

**Plaintiffs' Memorandum in Opposition  
to Joint Motion for Summary  
Judgment for Failure to Prove Fault  
Element of Public Nuisance Claims**

**Ex 20 – Snider Tr. Excerpts**

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4

5 -----x  
6 IN RE: NATIONAL PRESCRIPTION ) Case No.  
7 OPIATE LITIGATION ) 1:17-MD-2804  
8 APPLIES TO ALL CASES ) Hon. Dan A. Polster  
9 -----x

10 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
11 CONFIDENTIALITY REVIEW  
12

VIDEOTAPED DEPOSITION OF BLAINE M. SNIDER  
13  
14 WASHINGTON, D.C.

THURSDAY, NOVEMBER 8, 2018  
15  
16 8:34 A.M.  
17  
18  
19  
20  
21  
22  
23

24 Reported by: Leslie A. Todd

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1 A Blaine Matthew Snider.  
2 Q And am I correct that you're currently  
3 employed with McKesson?  
4 A Yes.  
5 Q Okay. And have you ever been deposed  
6 before?  
7 A No.  
8 Q Okay. Just a few basic ground rules  
9 that might help both of us here today. I'm going  
10 to be asking you some questions, and if you don't  
11 understand the question I ask or don't hear it,  
12 it's perfectly okay for you to ask me to repeat or  
13 rephrase the question. Okay?  
14 A Okay.  
15 Q If you need a break at any point in  
16 time, just let me know or your counsel know.  
17 Happy to take a break whenever you need it. All  
18 I'd ask is if I've got a question pending, that  
19 you answer that question, and then we can break  
20 for whenever you want.  
21 And also I'm going to ask you questions,  
22 you're going to provide answers. I'd ask that we  
23 try not to talk over each other. So I'll ask my  
24 question, try to give you ample opportunity to

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1 answer before I ask my next question. Is that  
2 fair?  
3 A Okay.  
4 Q Okay. And how long have you been with  
5 McKesson?  
6 A Almost 40 years.  
7 Q Okay. Am I correct that you currently  
8 hold the director of operations position at the  
9 New Castle Distribution Center?  
10 A Yes.  
11 Q Okay. How long have you held that  
12 specific position?  
13 A Eighteen -- eighteen years.  
14 Q Okay. What was your job at McKesson  
15 prior to that?  
16 A I was distribution center manager in  
17 Sewickley, Pennsylvania, and North Canton, Ohio.  
18 Q Okay. How long did you have that role?  
19 A About three years.  
20 Q How about prior to that?  
21 A I was operations manager in Cincinnati,  
22 Ohio, and North Canton previous to that.  
23 Q How long did you hold that position?  
24 A Oh, I can't remember now. Eight, ten

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1 years, I guess.  
2 Q Okay. What was your job prior to that  
3 at McKesson, just the title?  
4 A I started as a supervisor almost 40  
5 years ago.  
6 Q Okay. So would it be fair to say, just  
7 doing the rough math here, that you have nearly 30  
8 years of experience as a distribution center  
9 operations manager at McKesson?  
10 A Yes.  
11 Q Okay. Now, McKesson itself as an entity  
12 has, as I understand it, 37 distribution centers  
13 around the country; is that right?  
14 MR. COLLINS: Objection to the form.  
15 THE WITNESS: I can't answer to -- it  
16 sounds like you're including med-surg or something  
17 else. I know there's 28 distributions centers for  
18 U.S. pharma.  
19 BY MR. BOGLE:  
20 Q Okay. And New Castle is one of those 28  
21 distribution centers for U.S. pharma, correct?  
22 A Yes.  
23 Q And just so I understand, as director of  
24 operations for New Castle, it would be your

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1 general responsibility to run the day-to-day  
2 operations for the facility, correct?  
3 MR. COLLINS: Objection. Form.  
4 THE WITNESS: I'm in charge of the  
5 facility, yes.  
6 BY MR. BOGLE:  
7 Q Right. So it's fair to say that you're  
8 the highest ranking McKesson employee at New  
9 Castle that has responsibility exclusive to that  
10 distribution center, right?  
11 MR. COLLINS: Objection to form.  
12 THE WITNESS: Well, I'm not sure. I  
13 have a VP/GM I report to, but I run the  
14 distribution center.  
15 BY MR. BOGLE:  
16 Q Who do you report to?  
17 A Brian Ferreira, the VP/GM.  
18 Q When it comes to decisions specific to  
19 the operations of New Castle, would it be fair to  
20 say that the buck stops with you?  
21 MR. COLLINS: Objection to form, vague.  
22 THE WITNESS: I don't think so.  
23 BY MR. BOGLE:  
24 Q Okay. Who do you think the buck stops

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1 Administration, September 27, 2006.  
 2 Do you see that?  
 3 A Yes.  
 4 Q Okay. Have you ever seen this letter  
 5 before?  
 6 A No, I haven't.  
 7 Q You have not. Okay.  
 8 Communications from the DEA regarding  
 9 your responsibilities at New Castle, do those  
 10 generally not make their way to you?  
 11 MR. COLLINS: Objection. Assumes facts  
 12 not in evidence, argumentative, foundation, form.  
 13 THE WITNESS: Yes, they made their way  
 14 to us, and we would adopt -- adapt the manual and  
 15 follow the SOPs and new procedures.  
 16 BY MR. BOGLE:  
 17 Q Okay. But you've never seen this  
 18 letter?  
 19 A No, I'm sorry, I don't remember seeing  
 20 it.  
 21 Q Well, let me ask you about a couple of  
 22 things in here.  
 23 To start, it says: "This letter is  
 24 being sent to every commercial entity in the

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1 United States registered with the Drug Enforcement  
 2 Administration to distribute controlled  
 3 substances. The purpose of this letter is to  
 4 reiterate the responsibilities of controlled  
 5 substance distributors in view of the prescription  
 6 drug abuse problem our nation currently faces."  
 7 Do you see that?  
 8 A Yes.  
 9 Q Okay. And then the third paragraph on  
 10 the first page which starts with "Distributors  
 11 are," do you see that sentence? It's the second  
 12 sentence in that paragraph.  
 13 MR. COLLINS: Third paragraph, the  
 14 second sentence.  
 15 THE WITNESS: Oh, okay.  
 16 BY MR. BOGLE:  
 17 Q It says: "Distributors are of course  
 18 one of the key components of the distribution  
 19 chain. If the closed system is to function  
 20 properly as Congress envisioned, distributors must  
 21 be vigilant in deciding whether a prospective  
 22 customer can be trusted to deliver controlled  
 23 substances only for lawful purposes."  
 24 Do you see that?

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1 A Yes.  
 2 Q Do you agree with that statement?  
 3 MR. COLLINS: Objection. Form.  
 4 Foundation.  
 5 THE WITNESS: Yes.  
 6 BY MR. BOGLE:  
 7 Q It says: "This responsibility is  
 8 critical as Congress has expressly declared that  
 9 the illegal distribution of controlled substances  
 10 has a substantial and detrimental effect on the  
 11 health and general welfare of the American  
 12 people."  
 13 Do you see that?  
 14 A Yes.  
 15 Q If you go to the second page here, I'm  
 16 about three-quarters of the way down the page, the  
 17 paragraph starting with "Thus." Do you see that?  
 18 A Yes.  
 19 Q It says: "Thus, in addition to  
 20 reporting all suspicious orders, a distributor has  
 21 a statutory responsibility to exercise due  
 22 diligence to avoid filling suspicious orders that  
 23 might be diverted into other than legitimate  
 24 medical, scientific and industrial channels."

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1 Do you see that?  
 2 A Yes.  
 3 Q Okay. But in 2006, I think we just  
 4 talked about the fact that when a suspicious order  
 5 was detected at your facility at least, it was  
 6 filled, right?  
 7 MR. COLLINS: Objection. Form,  
 8 foundation.  
 9 THE WITNESS: Not always.  
 10 BY MR. BOGLE:  
 11 Q Okay.  
 12 A I testified that not always. We would  
 13 cut orders down on occasion.  
 14 Q When you thought they had fat fingers.  
 15 I think that was the term you used.  
 16 A Or they -- yeah, or they made a mistake.  
 17 Q Right. But if you thought that they  
 18 were ordering what they were -- intended to order,  
 19 that order was filled, even though you're saying  
 20 that a suspicious order report would have been  
 21 provided to the DEA, right?  
 22 MR. COLLINS: Objection. Form.  
 23 THE WITNESS: If the definition is off  
 24 of that report, three times or the eight times,

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1 yes.  
 2 BY MR. BOGLE:  
 3 Q Then it would have been filled, right?  
 4 A Yes.  
 5 Q Okay. And this letter from the DEA  
 6 indicates that you shouldn't be filling those kind  
 7 of prescriptions, right?  
 8 MR. COLLINS: Objection.  
 9 BY MR. BOGLE:  
 10 Q If you've identified them as suspicious.  
 11 MR. COLLINS: Objection. Foundation,  
 12 compound, argumentative, calls for a legal  
 13 conclusion.  
 14 THE WITNESS: I don't see it that way.  
 15 BY MR. BOGLE:  
 16 Q You don't think that's what that says?  
 17 A No.  
 18 Q Okay. And the responsibility to avoid  
 19 shipment of orders deemed suspicious by a  
 20 distributor, that policy has always been in effect  
 21 since the Controlled Substances Act was enacted in  
 22 1970, right?  
 23 MR. COLLINS: Objection. Form, assumes  
 24 multiple facts, legal conclusion.

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1 THE WITNESS: I can't say that. 1970,  
 2 I -- I don't know that.  
 3 BY MR. BOGLE:  
 4 Q Well, do you think this -- this sentence  
 5 I read to you here about avoiding filling  
 6 suspicious orders was something new that was added  
 7 to the regulations in '06?  
 8 MR. COLLINS: Objection. Calls for a  
 9 hypothetical, speculation.  
 10 THE WITNESS: I don't know.  
 11 MR. COLLINS: Calls for a legal  
 12 conclusion.  
 13 BY MR. BOGLE:  
 14 Q You don't know?  
 15 A No.  
 16 Q And the next paragraph down, the last  
 17 sentence says: "Again, to maintain effective  
 18 controls against diversion, as Section 823(e)  
 19 requires, the distributor should exercise due care  
 20 in confirming the legitimacy of all orders prior  
 21 to filling." Right?  
 22 A Yes.  
 23 Q Okay. And you know that's not a new  
 24 policy either, right?

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1 MR. COLLINS: Objection.  
 2 BY MR. BOGLE:  
 3 Q In '06.  
 4 MR. COLLINS: Objection. Vague, calls  
 5 for a legal conclusion.  
 6 THE WITNESS: I don't know that.  
 7 BY MR. BOGLE:  
 8 Q Okay. Do you have any disagreement that  
 9 that's what the law required in '06?  
 10 MR. COLLINS: Objection. Calls for  
 11 speculation, legal conclusion, asked and answered.  
 12 THE WITNESS: I have no disagreement  
 13 with that it's -- that it's written there.  
 14 BY MR. BOGLE:  
 15 Q Okay. And would you agree with the  
 16 notion that reporting a suspicious order to the  
 17 DEA and not filling it gives the DEA the  
 18 opportunity to investigate that order without  
 19 having the potential of getting into the public  
 20 for potential diversion?  
 21 MR. COLLINS: Objection, if that's a  
 22 question. Calls for a legal conclusion, it's  
 23 compound, it's vague.  
 24 BY MR. BOGLE:

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1 Q You can answer.  
 2 MR. COLLINS: And it calls for  
 3 speculation.  
 4 THE WITNESS: I can't answer to that. I  
 5 don't know.  
 6 BY MR. BOGLE:  
 7 Q Okay. Do you think the DEA has the same  
 8 ability to investigate and prevent diversion after  
 9 you've filled the order versus if you hadn't  
 10 filled it at all?  
 11 MR. COLLINS: Objection. Foundation,  
 12 argumentative, compound.  
 13 THE WITNESS: I know in New Castle, we  
 14 had a relationship with the DEA, and I talked to  
 15 them, they called me. At one point the DEA agent  
 16 in charge was my neighbor, so I knew them, and I  
 17 knew if there was a problem, they would let me  
 18 know.  
 19 MR. BOGLE: Move to strike as  
 20 nonresponsive.  
 21 BY MR. BOGLE:  
 22 Q My -- my question simply was, if you  
 23 fill an order that you deem suspicious, then it  
 24 naturally is going to be harder to the DEA to

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1 prevent diversion from that suspicious order as  
 2 opposed to if you had reported it and not filled  
 3 it at all, right?  
 4 MR. COLLINS: Objection. Closing  
 5 argument. Assumes facts not in evidence, calls  
 6 for speculation, form, compound, vague.  
 7 THE WITNESS: I don't know that.  
 8 BY MR. BOGLE:  
 9 Q You don't know.  
 10 A No.  
 11 Q Okay. Are you aware that in 2006 the  
 12 DEA began investigating McKesson concerning its  
 13 diversion practices as it pertains to controlled  
 14 substances?  
 15 MR. COLLINS: Objection. Form,  
 16 foundation.  
 17 THE WITNESS: I'm aware now. Yes.  
 18 BY MR. BOGLE:  
 19 Q When you say "now," when did you become  
 20 aware of that?  
 21 A I'm not sure.  
 22 Q Okay. What -- what caused you to become  
 23 aware of that?  
 24 A McKesson. My bosses.

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1 Q Okay. Do you have any idea what year  
 2 even you were made aware of that?  
 3 A No, I'm not sure. I can't remember.  
 4 Q Okay. I'm going to hand you what I'm  
 5 marking as Exhibit 1.1830, Exhibit 4 to your  
 6 deposition.  
 7 (Snider Exhibit No. 4 was marked  
 8 for identification.)  
 9 MR. COLLINS: Thank you.  
 10 BY MR. BOGLE:  
 11 Q And you see this is a PowerPoint titled  
 12 "Lifestyle Drugs and Internet Pharmacies" from the  
 13 National Operations Conference 2007. Do you see  
 14 that?  
 15 A Yes.  
 16 Q And the author is noted to be Donald  
 17 Walker, Senior Vice President, Distribution  
 18 Operations, right?  
 19 A Yes.  
 20 Q Are you familiar with Mr. Walker?  
 21 A Yes, I am.  
 22 Q And his role in this point in time in  
 23 2007 would be to oversee the operations of all the  
 24 distribution centers within U.S. pharma, right?

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1 MR. COLLINS: Objection. Foundation,  
 2 vague, calls for a legal conclusion.  
 3 THE WITNESS: Yeah, operationally.  
 4 BY MR. BOGLE:  
 5 Q Yeah. And if you go to page .3, the  
 6 slide is titled "Public Health Issues," and it  
 7 says -- the first bullet point below that says:  
 8 "Abuse of prescription drugs has risen 66 percent  
 9 since 2000." And the third bullet point says:  
 10 "Opioid painkillers kill more than cocaine and  
 11 heroin combined."  
 12 Do you see that?  
 13 A Yes.  
 14 Q Is that a statistic you were familiar  
 15 with in 2007?  
 16 MR. COLLINS: Objection. Form.  
 17 THE WITNESS: I -- I was there I believe  
 18 at the -- his meeting.  
 19 BY MR. BOGLE:  
 20 Q Okay. So you would have been made aware  
 21 of that statistic at that meeting?  
 22 A Yes.  
 23 Q Okay. So you were -- you were present  
 24 when this was actually presented, this PowerPoint

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1 deck, right?  
 2 A I believe so, yes.  
 3 Q Okay. Where was it presented?  
 4 A At a national meeting, I believe. I  
 5 don't know the date -- what's the date here?  
 6 Q It just says 2007, I think.  
 7 A It would have to be that -- I'd have to  
 8 check the date, depending -- I can't remember  
 9 where I was.  
 10 Q Okay. And if you go to .4, the next  
 11 slide says "DEA Focus." And under "Wholesalers,"  
 12 it says "DEA Expects." Do you see that?  
 13 A Yes.  
 14 Q And it says: "We know our customers."  
 15 That's the first bullet point.  
 16 A Yes.  
 17 Q The second bullet point is "Wholesalers  
 18 accountable for controlling quantities shipped."  
 19 Right?  
 20 A Yes.  
 21 Q Okay. You understand that concept to  
 22 mean the DEA expected you guys to not ship  
 23 suspicious orders, right?  
 24 MR. COLLINS: Objection.



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1 Q And when a threshold increase is  
 2 requested, there's a form that has to be  
 3 completed, right?  
 4 A Yes. A form or a SharePoint site.  
 5 Q Okay. And the SharePoint site, there's  
 6 dropboxes that you complete and documentation that  
 7 is attached, right?  
 8 A That's what I recall.  
 9 Q Okay. And those forms or the SharePoint  
 10 information is supposed to be completed at the  
 11 time the threshold request is made, not at some  
 12 time thereafter, right?  
 13 MR. COLLINS: Objection. Vague.  
 14 THE WITNESS: It could be after the  
 15 request, because they were doing the due  
 16 diligence. So I can't honestly say I put one in  
 17 if I thought there was more due diligence to be  
 18 done.  
 19 BY MR. BOGLE:  
 20 Q Okay. But it would not be appropriate  
 21 to increase a threshold, supply product to a  
 22 customer before a threshold request increase form  
 23 had been completed, true?  
 24 MR. COLLINS: Objection. The question

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1 is vague.  
 2 THE WITNESS: Well, from 2000 to 2006,  
 3 we usually reported those, but we already shipped  
 4 them. I didn't get the report till afterwards.  
 5 After the lifestyle drugs, it was more proactive  
 6 in that I could get the data and send it to them  
 7 electronically for them to review and then  
 8 approve. So it may take some time.  
 9 BY MR. BOGLE:  
 10 Q Let me make sure that my question is  
 11 clear.  
 12 From 2008 on, under the Controlled  
 13 Substances Monitoring Program when a threshold  
 14 increase was requested, the drug should not be  
 15 shipped under that increased amount without a  
 16 form -- threshold increase form having already  
 17 been completed, true?  
 18 A Yes.  
 19 Q Okay. You mentioned red flags from a  
 20 due diligence perspective a moment ago, and I want  
 21 to ask you something about that. One sort of red  
 22 flag aspect of the McKesson system has been  
 23 setting the threshold number, whether it be 8,000  
 24 under the Lifestyle Drug Monitoring Program or

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1 based on the last six months of sales, that's been  
 2 a red flag -- if you go above that number, that's  
 3 a red flag that requires due diligence, right?  
 4 A Well, we didn't call that a red flag.  
 5 By red flags, I meant customers that we did  
 6 Level I visits on.  
 7 Q Okay. But do you consider a customer  
 8 going over their threshold number a red flag that  
 9 requires due diligence?  
 10 A Can you define "red flag"?  
 11 Q How would you define it? You used the  
 12 term earlier in the deposition.  
 13 A But I used it in the context of Level I,  
 14 red flags to know your customer. So when we did  
 15 the visit, we would make sure they met all the  
 16 criteria, et cetera.  
 17 Q Okay. So would you consider a customer  
 18 exceeding their threshold for hydrocodone or  
 19 oxycodone as being something that requires due  
 20 diligence to assess whether that was legitimate  
 21 for them to do so?  
 22 MR. COLLINS: Objection. Form, vague,  
 23 and calls for a legal conclusion.  
 24 THE WITNESS: Yes, there would be some

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1 kind of due diligence.  
 2 BY MR. BOGLE:  
 3 Q And another mechanism that's been  
 4 employed more recently at McKesson to assess red  
 5 flags for customers is looking at the percentage  
 6 of controlled substances a customer purchases  
 7 versus their overall prescription purchases,  
 8 right?  
 9 A Yes, the DRAs do the -- some analysis.  
 10 There is a lot of data-driven analysis that's  
 11 evolved, and I know Izzy and those guys do a good  
 12 job of that.  
 13 Q And that's not something that was done  
 14 until the 2014, 2015 time frame, right, doing that  
 15 sort of analysis?  
 16 MR. COLLINS: Objection. Vague.  
 17 THE WITNESS: I don't know. If they did  
 18 it in 2008 or not, I don't know -- I don't know  
 19 that.  
 20 BY MR. BOGLE:  
 21 Q That's an important metric, though, to  
 22 look at to assess whether a customer's orders are  
 23 suspicious or not is to look at whether the  
 24 percentages of controlled substances versus

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1 Q 2008 to 2013.  
 2 A Yes.  
 3 Q You've seen them do this specific  
 4 analysis?  
 5 A Yes.  
 6 Q Okay. So you know it can be done.  
 7 A Yes.  
 8 Q Okay. And it's a reasonable analysis to  
 9 conduct, right?  
 10 MR. COLLINS: Objection. Vague, form.  
 11 THE WITNESS: If you can, I think it  
 12 would be a good idea.  
 13 MR. BOGLE: Yeah. Let me look real  
 14 quick. I think -- yeah. We can take a break now  
 15 is good.  
 16 MR. COLLINS: Yep.  
 17 THE VIDEOGRAPHER: The time is  
 18 11:14 a.m. We're going off the record.  
 19 (Recess.)  
 20 THE VIDEOGRAPHER: The time is 11:29  
 21 a.m., and we're back on the record.  
 22 BY MR. BOGLE:  
 23 Q All right. Mr. Snider, the -- your New  
 24 Castle Distribution Center is in -- located in

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1 Pennsylvania, right?  
 2 A Yes.  
 3 Q Okay. But you guys service customers  
 4 outside of the state of Pennsylvania, correct?  
 5 A Yeah -- oh, yes.  
 6 Q For example, you service customers in  
 7 Ohio, right?  
 8 A Yes.  
 9 Q You service customers in West Virginia,  
 10 right?  
 11 A Yes.  
 12 Q Okay. And we talked a little bit about  
 13 the opioid epidemic earlier in your deposition,  
 14 but you understand that West Virginia is one of  
 15 the states that's been hit hardest by the opioid  
 16 epidemic, right?  
 17 A Yes.  
 18 Q And In fact, there have been  
 19 congressional investigations into McKesson's  
 20 conduct specific to pharmacies supplied in West  
 21 Virginia.  
 22 Do you understand that?  
 23 MR. COLLINS: Objection. Form.  
 24 THE WITNESS: I don't know that. I'm

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1 sorry.  
 2 BY MR. BOGLE:  
 3 Q Okay. You've never been told that?  
 4 A No.  
 5 Q Okay.  
 6 (Snider Exhibit No. 12 was marked  
 7 for identification.)  
 8 BY MR. BOGLE:  
 9 Q I'm going to hand you 1.44, Exhibit 12  
 10 to your deposition.  
 11 Okay. This is noted at the top to be  
 12 from the House of Representatives, Congress of the  
 13 United States, February 15, 2008. Do you see  
 14 that?  
 15 A Yes.  
 16 Q Okay. And it's a letter sent to  
 17 Mr. John Hammergren. That's the CEO of McKesson,  
 18 right?  
 19 MR. COLLINS: Objection. Lack of  
 20 foundation.  
 21 THE WITNESS: Yes.  
 22 BY MR. BOGLE:  
 23 Q Do you see where it's -- he's noted to  
 24 be the recipient, "Dear Mr. Hammergren"?

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1 A I would think he got it.  
 2 MR. COLLINS: Objection.  
 3 BY MR. BOGLE:  
 4 Q Do you see that this was designed to be  
 5 sent to him, right?  
 6 MR. COLLINS: Objection. The witness  
 7 has no firsthand knowledge.  
 8 THE WITNESS: I don't know anything  
 9 about this document, so I can't answer to that.  
 10 BY MR. BOGLE:  
 11 Q All right. But you see it says, "Dear  
 12 Mr. Hammergren," right? Do you see that on the  
 13 first page?  
 14 A Yeah, I see that.  
 15 Q You see that?  
 16 A Yeah.  
 17 Q Okay. And so if you look at the first  
 18 page of this document, it says in the second  
 19 paragraph, "As part of our investigation." Do you  
 20 see that?  
 21 A Yes.  
 22 Q It says: "As part of our investigation,  
 23 the Committee wrote to you on May 8, 2017,  
 24 regarding your distribution practices generally,



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1 and in particular with respect to West Virginia.  
 2 As we mentioned in the letter, the opioid epidemic  
 3 has been particularly devastating to West  
 4 Virginia. For example, in 2015, West Virginia had  
 5 the highest opioid overdose death rate in the  
 6 nation."  
 7 And then it goes on, the last sentence  
 8 in that paragraph says: "Court filings also  
 9 indicate that between 2007 and 2012, McKesson  
 10 distributed 46,179,600 doses of hydrocodone and  
 11 54,304,980 doses of oxycodone, meaning that  
 12 McKesson shipped a total of 100,484,580 doses to  
 13 West Virginia during this time period."  
 14 Have you ever seen that kind of data  
 15 talking about the number of hydrocodone and  
 16 oxycodone pills McKesson distributed to West  
 17 Virginia during this time frame?  
 18 A No, I haven't.  
 19 Q Okay. You know that a fair amount of  
 20 those pills that are being referenced here came  
 21 from your distribution center, right?  
 22 MR. COLLINS: Objection. Lack of  
 23 foundation. Lack of firsthand knowledge.  
 24 THE WITNESS: I don't know that.

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1 BY MR. BOGLE:  
 2 Q Okay. Well, you know from 2007 to 2012  
 3 that -- that the New Castle Distribution Center  
 4 was sending hydrocodone and oxycodone to  
 5 pharmacies in West Virginia, right?  
 6 A Yes.  
 7 Q Okay. So, therefore, you must present  
 8 some of this number coming from New Castle, right?  
 9 MR. COLLINS: Objection. The question  
 10 is vague.  
 11 THE WITNESS: If I could answer that,  
 12 the DEA has done audits on us. We've never been  
 13 found to do anything wrong. New Castle has an  
 14 exemplary record.  
 15 MR. BOGLE: Move to strike as  
 16 nonresponsive.  
 17 BY MR. BOGLE:  
 18 Q My question simply was, of these 100  
 19 million plus doses referenced here, you know that  
 20 a portion of those came from your distribution  
 21 center --  
 22 MR. COLLINS: Objection.  
 23 BY MR. BOGLE:  
 24 Q -- during this time frame, correct?

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1 MR. COLLINS: The question was asked and  
 2 answered last -- a moment ago.  
 3 BY MR. BOGLE:  
 4 Q Correct?  
 5 MR. COLLINS: Same -- same objection.  
 6 Asked and answered.  
 7 THE WITNESS: A -- a portion probably  
 8 did.  
 9 BY MR. BOGLE:  
 10 Q Well, you know they did, right? From  
 11 2007 to 2012, you know that the New Castle  
 12 Distribution Center was servicing West Virginia  
 13 pharmacies, right? So it has to be part of this  
 14 number, true?  
 15 MR. COLLINS: Objection.  
 16 BY MR. BOGLE:  
 17 Q You know that.  
 18 MR. COLLINS: Objection. The question  
 19 is compound three different ways. It's  
 20 argumentative. It's been asked and answered.  
 21 BY MR. BOGLE:  
 22 Q You know that, don't you?  
 23 MR. COLLINS: Objection. Form.  
 24 THE WITNESS: I've never seen this

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1 document. And we do have customers in West  
 2 Virginia.  
 3 BY MR. BOGLE:  
 4 Q Okay. But you know that -- okay. I  
 5 think the document speaks for itself.  
 6 Now, specifically in West Virginia,  
 7 Mace's is one of the pharmacies that New Castle  
 8 has serviced over time, right?  
 9 A I believe so.  
 10 Q Okay. You recall we saw Mace's Pharmacy  
 11 referenced in that 2007 chart which indicated them  
 12 exceeding their thresholds in opioids in November  
 13 2007. Do you recall discussing that?  
 14 MR. COLLINS: Objection.  
 15 Mischaracterization, lack of foundation, lack of  
 16 knowledge.  
 17 THE WITNESS: I do recall seeing the  
 18 document. I believe Mace's was on it.  
 19 BY MR. BOGLE:  
 20 Q Okay. Now, at your distribution center  
 21 for the conduct that occurred prior to McKesson  
 22 switching over to SharePoint, you actually have  
 23 hard copy files for many of the pharmacies that  
 24 you serviced, right?

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1 And the information conveyed for  
2 hydrocodone was 15 and oxycodone .41, and then  
3 it's noted, "Less than half a person, OxyContin  
4 only."  
5 Do you see those two?  
6 A Yes.  
7 Q Okay. And you recall that pretty  
8 quickly after this questionnaire was completed in  
9 June 2007, you specifically had concerns about  
10 whether Mace's was diverting opioids, correct?  
11 A I don't remember.  
12 Q Okay. Well, let's take a like at  
13 page .49 in this document.  
14 I'm looking at the e-mail on the bottom  
15 of this page that carries over to the next page.  
16 It's from you, October 9, 2007, to a Jim  
17 Gavatorita, cc Brian Ferreira.  
18 Do you see that?  
19 A Yes.  
20 Q Entitled "Mace's Hydrocodone."  
21 A Yes.  
22 Q Okay. And who is -- who is Jim  
23 Gavatorita? What did he do?  
24 A He was the executive salesperson.

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1 Q Okay. And Brian Ferreira, I think you  
2 said was vice president/general manager?  
3 A Yes.  
4 Q What sort of oversight did Brian  
5 Ferreira provide for you?  
6 A He was in charge of the distribution  
7 center over all the operations, my boss, and Jim  
8 reported to him directly.  
9 Q Reported to him, you said?  
10 A Yeah.  
11 Q Okay. All right. Let's go to the next  
12 page for the substance of the e-mail.  
13 You say: "Jim, let me know re Mace's.  
14 Could be a good candidate for a Level II,"  
15 question mark. "They, 868673, had 10,764 doses of  
16 hydrocodone in July. In August it was 27,716,  
17 possibly due to duplicate T&T orders. The account  
18 still had 26,464 doses in September. Can you look  
19 into? This customer and Town & Country are the  
20 only two retail accounts that have over 20,000  
21 doses in any of the lifestyle drugs this month."  
22 Do you see that?  
23 A Yes.  
24 Q Okay. And Mace's was a -- is a pharmacy

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1 in West Virginia, right, just so we're clear?  
2 A Yes.  
3 Q Okay. And what ended up happening  
4 thereafter is another visit and another  
5 questionnaire was completed in December 2007  
6 related to Mace's, right?  
7 MR. COLLINS: Objection. Lack of  
8 foundation.  
9 BY MR. BOGLE:  
10 Q To investigate your concerns here.  
11 MR. COLLINS: Objection. Lack of  
12 foundation.  
13 THE WITNESS: I'm sorry, I'd have to  
14 look through it.  
15 BY MR. BOGLE:  
16 Q Okay.  
17 A You want me to do that?  
18 Q We're going to go there. I'm just  
19 asking your recollection first.  
20 But, actually, before we go there, this  
21 e-mail was sent October 9, 2007, and references  
22 purchases from July, August, and September of 2007  
23 for hydrocodone, right?  
24 MR. COLLINS: Objection. Form.

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1 BY MR. BOGLE:  
2 Q That's what you say.  
3 A Yeah, as part of the Level I to get a  
4 three-month purchase report.  
5 Q Right. And so at this point in time, we  
6 can see that for July, August and September of  
7 2007, Mace's did end up actually filling more than  
8 8,000 doses for hydrocodone, right, based on your  
9 e-mail here?  
10 A Okay. (Peruses document.)  
11 I see August, September. I'm not sure  
12 of July, but --  
13 Q July says 10,764 doses.  
14 A Okay.  
15 Q That's your first or your second --  
16 A Oh, yeah, I see that now. Yep.  
17 Q Okay. So we can agree at least for  
18 those three months in 2007, per your e-mail,  
19 you're saying they got more than 8,000 doses of  
20 hydrocodone in those months, right?  
21 A I would say yes.  
22 Q Okay. Let's look at --  
23 A Now, I just want to make clear that  
24 trade and travel order, or the T&T, that could be

<p style="text-align: right;">Page 194</p> <p>1 a duplicate that they returned. You don't know  2 the credit. It's not in here either.  3 Q But we do know that you don't raise that  4 concern for September, right, in your e-mail?  5 That was only as to August.  6 A Right. Right.  7 Q Okay. So let's go to the -- the  8 pharmacy questionnaire from December 2007, which  9 is page .60.  10 And you see here there's "Mace's  11 Pharmacy, December 10, 2007, Pharmacy  12 Questionnaire." Do you see that?  13 A Yes.  14 Q And again, your signature appears on  15 this page, right?  16 A Yes.  17 Q If we go to the next page, page .61, it  18 says in number 8, which is the same question you  19 asked a few months earlier of them: "How many  20 prescriptions for the following products does the  21 pharmacy fill on a daily basis?"  22 Do you see here they've said, 475  23 prescriptions for hydrocodone; 103 for oxycodone?  24 Right?</p>	<p style="text-align: right;">Page 196</p> <p>1 Q Okay.  2 A Yes, it looks like I sent it -- just  3 from what the documents show, that we did a  4 Level I, a Level II, and then sent that up to the  5 DRA for review, and they took it from there.  6 Q Okay. My question is, in 2007, did you  7 personally investigate what was causing such a  8 significant increase over a four-month period of  9 time in hydrocodone and oxycodone prescriptions?  10 MR. COLLINS: Objection. Asked and  11 answered.  12 THE WITNESS: I don't remember.  13 BY MR. BOGLE:  14 Q Okay. And if you do the math, for  15 example, on hydrocodone, at 475 prescriptions a  16 day with an average of 30 pills a prescription, an  17 average of 30 days, that's actually 427,500 doses  18 a month.  19 Do you want to do the math on that?  20 A No, I don't.  21 Q Okay. So if you guys are giving them  22 20,000 or so doses a month based on your prior  23 e-mail, how do you explain how they're prescribing  24 this much?</p>
<p style="text-align: right;">Page 195</p> <p>1 A Yes.  2 Q That's what the form indicates.  3 A Yes.  4 Q Which is, you would agree with me, a  5 huge increase from what they told you four months  6 earlier in June 2007, right?  7 MR. COLLINS: Objection to the form.  8 THE WITNESS: I wouldn't agree that it's  9 a huge increase unless I knew what kind of  10 business they gained.  11 BY MR. BOGLE:  12 Q Okay. But we can agree that in  13 June 2007, on page .12, they tell you 15  14 prescriptions of hydrocodone a day and .41 for  15 oxycodone. Right?  16 A Yes, as I recall.  17 Q And October the same year, that number  18 has risen to 475 a day for hydrocodone and 103 a  19 day for oxycodone, right? We can agree those are  20 the numbers.  21 A Yes.  22 Q All right. Did you investigate what was  23 causing that increase?  24 A I don't remember.</p>	<p style="text-align: right;">Page 197</p> <p>1 A I would have to go through the due  2 diligence that was done here.  3 Q Okay.  4 A As you can see, there's quite a bit of  5 documentation on this that we did for that. I  6 don't recall everything, but I'm sure --  7 Q Wouldn't that raise a red flag --  8 MR. COLLINS: I'm sorry.  9 BY MR. BOGLE:  10 Q -- that they're using other  11 distributors?  12 MR. COLLINS: I'm sorry. Please let the  13 witness finish his answer before you cut him off.  14 I've let you do that a couple of times. I'm going  15 to insist the witness answer.  16 Finish your answer.  17 BY MR. BOGLE:  18 Q Go ahead.  19 A I sent this up to the DRA for review.  20 You can tell that. So I don't know what their  21 result was. I don't know if we cut them off or --  22 or what right now. I would have to go through  23 this.  24 Q Would that math indicate to you a</p>

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1 potential red flag that they're using more  
2 distributors than just McKesson for hydrocodone  
3 and oxycodone?  
4 MR. COLLINS: Objection. Form.  
5 THE WITNESS: The increase would cause  
6 concern that I would push it up to the DRA.  
7 BY MR. BOGLE:  
8 Q Okay. Now, Mace's -- let's take a look  
9 at -- find the spot here -- the threshold change  
10 request that was submitted December 16th, 2008,  
11 which is .63 in this document.  
12 MR. COLLINS: Any time you want to  
13 review the document, go ahead.  
14 THE WITNESS: Okay.  
15 BY MR. BOGLE:  
16 Q Okay. You see here this is a threshold  
17 change form for Mace's Pharmacy in -- hope I'm  
18 pronouncing this correctly -- Philippi, West  
19 Virginia.  
20 Do you see that?  
21 A Yes.  
22 Q Do you know about how many people live  
23 in Philippi, West Virginia?  
24 A I don't.

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1 Q Is that something you guys would look at  
2 back in 2008 when evaluating a request like this?  
3 A I can't --  
4 MR. COLLINS: Object -- objection to the  
5 term we -- "you would look at."  
6 BY MR. BOGLE:  
7 Q Would you?  
8 A No, I don't know.  
9 Q Okay.  
10 A I can't speculate on that.  
11 Q Okay. So if, for example, the city of  
12 Philippi, West Virginia, had fewer than 3,000  
13 people in it around this time frame, would that  
14 raise concerns to you about how much hydrocodone  
15 you're giving this company -- this pharmacy?  
16 MR. COLLINS: Objection. Assumes facts  
17 not in evidence, lack of foundation.  
18 MR. BOGLE: Let's put it into evidence.  
19 Exhibit 14, 1.1892.  
20 (Snider Exhibit No. 14 was marked  
21 for identification.)  
22 BY MR. BOGLE:  
23 Q Here is the Census Bureau data for  
24 Philippi, West Virginia, from 2010. Do you see

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1 there's a total population there noted to be 2,966  
2 people in 2010?  
3 MR. COLLINS: Objection. Lack of  
4 foundation. You haven't established this witness  
5 has any knowledge of this.  
6 MR. BOGLE: I think that's the problem.  
7 BY MR. BOGLE:  
8 Q Do you not -- did you not know that?  
9 A I did not --  
10 MR. COLLINS: Object --  
11 THE WITNESS: Sorry.  
12 MR. COLLINS: I'm sorry. Please let me  
13 object.  
14 Argumentative. Object to the theatrics.  
15 THE WITNESS: I did not know there were  
16 2,966 people in the Philippi -- is that the whole  
17 area or is that just the town?  
18 BY MR. BOGLE:  
19 Q It's the city.  
20 A Okay.  
21 Q You didn't know that.  
22 A No.  
23 Q Okay. Let's go back and look at the  
24 threshold change form request from December 16,

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1 '08, for Mace's.  
2 Do you see here they're requesting to  
3 increase their amount 20 percent for hydrocodone,  
4 and their current threshold is set at 34,000 doses  
5 a month? Do you see that?  
6 A Yes.  
7 Q Okay. And the reason for change that's  
8 given here, it says: "Threshold is set too low  
9 for this customer. Their monthly purchases are  
10 400,000 a month. We need to increase the  
11 hydrocodone family amount by 6800 units."  
12 Do you see that?  
13 A Yes.  
14 Q There's no other reason given here for  
15 this increase, is there?  
16 A No.  
17 Q Okay. And you, in fact, signed off on  
18 this increase, right, under "Approved by DCM  
19 Blaine Snider, 12/16/08." That's your signature,  
20 right?  
21 MR. COLLINS: Objection. The question  
22 is compound. I object to the term "signed off."  
23 We've gone over and over this again.  
24 Mischaracterization of his prior testimony.

<p style="text-align: right;">Page 202</p> <p>1 MR. BOGLE: Yeah, I'm sorry. I'll --</p> <p>2 I'll withdraw the question.</p> <p>3 BY MR. BOGLE:</p> <p>4 Q Do you see where it says "Approved by"</p> <p>5 on that form?</p> <p>6 A Yes.</p> <p>7 Q Okay. Who's that below that that's</p> <p>8 noted?</p> <p>9 A Michael Oriente. He's the director of</p> <p>10 Regulatory Affairs.</p> <p>11 Q You skipped your signature, didn't you?</p> <p>12 A Oh, I thought you meant who was below my</p> <p>13 name. I apologize.</p> <p>14 Q Your name is there right below "Approved</p> <p>15 by," isn't it?</p> <p>16 A Yep.</p> <p>17 Q Okay. That's your signature, true?</p> <p>18 A To go up to the DRAs, that was the</p> <p>19 process.</p> <p>20 Q That's your signature, true?</p> <p>21 MR. COLLINS: Please let the witness</p> <p>22 finish his answer.</p> <p>23 THE WITNESS: It's true it was to go up</p> <p>24 to the DRA. Also there's attachments in here.</p>	<p style="text-align: right;">Page 204</p> <p>1 prescriptions being written, you guys -- you and</p> <p>2 Mr. Oriente actually approve an additional</p> <p>3 threshold increase for hydrocodone; is that right?</p> <p>4 MR. COLLINS: Objection.</p> <p>5 Mischaracterization, assumes facts not in</p> <p>6 evidence.</p> <p>7 You're testifying to that. He has no --</p> <p>8 he said he has no knowledge of this, and he needs</p> <p>9 to look at the documents. So --</p> <p>10 BY MR. BOGLE:</p> <p>11 Q Take a look at it. You see your</p> <p>12 signature?</p> <p>13 MR. COLLINS: You don't have all the</p> <p>14 documents here, he just pointed out.</p> <p>15 BY MR. BOGLE:</p> <p>16 Q This is the whole file.</p> <p>17 A I keep trying to tell you my signature</p> <p>18 represents that it went to Michael Oriente, who</p> <p>19 was the director of Regulatory Affairs, who could</p> <p>20 look at all the data, make a judgment. Also he</p> <p>21 could call the customer or he could check with the</p> <p>22 federal regs or the State Board of Pharmacy.</p> <p>23 Q But I believe you told me earlier you</p> <p>24 wouldn't put your signature on something approving</p>
<p style="text-align: right;">Page 203</p> <p>1 You don't know what that was.</p> <p>2 BY MR. BOGLE:</p> <p>3 Q Oh, I looked at them. I've looked at</p> <p>4 them.</p> <p>5 A Okay.</p> <p>6 Q So what's noted here is that you</p> <p>7 approved these to go -- as you say, to go to</p> <p>8 Mr. Oriente, right?</p> <p>9 A Yes, the --</p> <p>10 Q You didn't raise any concerns that this</p> <p>11 wasn't appropriate, did you?</p> <p>12 MR. COLLINS: Objection. Argumentative.</p> <p>13 THE WITNESS: I'm sure I talked to him.</p> <p>14 BY MR. BOGLE:</p> <p>15 Q Did -- ultimately you put your signature</p> <p>16 on this line under "Approved by," right?</p> <p>17 A Yes.</p> <p>18 Q Not disagrees with. "Approved by,"</p> <p>19 right?</p> <p>20 A Yes.</p> <p>21 Q Okay. So after these concerns are</p> <p>22 raised by you in 2007, and the subsequent</p> <p>23 questionnaire was completed in December 2007 that</p> <p>24 shows a huge spike in hydrocodone and oxycodone</p>	<p style="text-align: right;">Page 205</p> <p>1 a threshold increase request if you thought it was</p> <p>2 inappropriate, right?</p> <p>3 A If I knew it was inappropriate, I</p> <p>4 wouldn't put it on there.</p> <p>5 Q Right. Let's go to page .66 on this</p> <p>6 document.</p> <p>7 See this is another threshold change</p> <p>8 form from January 28, '09, for Mace's, and this</p> <p>9 pertains to their thresholds for oxycodone, right?</p> <p>10 A Yes.</p> <p>11 Q Okay. And you see the current threshold</p> <p>12 is noted to be 13,000 at this point in time,</p> <p>13 right?</p> <p>14 A I'm sorry. Yes.</p> <p>15 Q Okay. And there's an increase approved</p> <p>16 here to increase their oxycodone threshold by</p> <p>17 20 percent, right?</p> <p>18 A I'm sorry, I'm not seeing the 20.</p> <p>19 Q See where it says "Increase amount,</p> <p>20 20 percent"?</p> <p>21 A Oh, yes.</p> <p>22 Q Okay. And then for reason for change,</p> <p>23 it says: "Threshold is set too low for this</p> <p>24 customer. Their monthly purchases are 400,000 a</p>



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1 month. We need to increase the oxycodone family  
 2 amount by 2500 units."  
 3 Right, that's the reason given on this  
 4 form?  
 5 A Yes.  
 6 Q Okay. And then there's a different  
 7 signature on this. It says "BPM," and then  
 8 there's some -- a signature after that. Do you  
 9 know who that is?  
 10 A Yes. Dale Nusser.  
 11 Q I'm sorry?  
 12 A Dale Nusser, my -- one of my managers.  
 13 Q Okay. So Dale Nusser worked underneath  
 14 you at your direction, right?  
 15 A Yes.  
 16 Q Okay. And this indicates it was also  
 17 approved by Michael Oriente in Regulatory, right?  
 18 A Oh, yes.  
 19 Q Okay. All right. Let's go to page .80.  
 20 You see here this is another threshold  
 21 change form, December 30, 2009, for Mace's. Do  
 22 you see that?  
 23 A Yes.  
 24 Q Okay. And at this point 9143 is the

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1 code. That's for oxycodone, correct?  
 2 A I don't remember. I'm sorry.  
 3 Q Okay. It says -- well, first of all,  
 4 you see that under "Reason for requested change,"  
 5 it says: "Tom Dadisman, pharmacist, has requested  
 6 an increase of 10 percent on oxycodone due to  
 7 increased number of prescriptions received per  
 8 category from local doctors who are changing  
 9 patients from morphine-based items to oxycodone-  
 10 based items."  
 11 Do you see that?  
 12 A Yes.  
 13 Q Okay. So this would indicate that this  
 14 is related to oxycodone based on the --  
 15 A Yes.  
 16 Q -- request, right? Okay.  
 17 And that's the only information  
 18 supporting this request that's located here,  
 19 right?  
 20 MR. COLLINS: Objection. Form.  
 21 THE WITNESS: That I can see, yes.  
 22 BY MR. BOGLE:  
 23 Q Okay. And if you see anything else,  
 24 please let me know.

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1 A Okay.  
 2 Q This is noted to be a permanent change,  
 3 right?  
 4 A Yes.  
 5 Q Increasing their threshold from 17,600  
 6 doses a month by 10 percent, right?  
 7 A Yes.  
 8 Q Okay. Submitted by you, right? That's  
 9 your signature. Right?  
 10 A Yes.  
 11 Q Okay. And also John Kuczynski of sales  
 12 and approved by Michael Oriente, right?  
 13 A Yes.  
 14 Q Okay. Do you see any evidence from  
 15 around this time frame in December 2009 in this  
 16 file that you actually got any prescription data  
 17 to support this?  
 18 A I don't know. I'd have to go through  
 19 it.  
 20 Q Yeah.  
 21 MR. BOGLE: Let's go off the record.  
 22 You can go through it.  
 23 MR. COLLINS: No, no, we're going to  
 24 stay on the record.

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1 MR. BOGLE: We don't need to stay on the  
 2 record. If he wants time to look at it, he can,  
 3 but don't stay on the record. There's no such  
 4 requirement.  
 5 MR. COLLINS: Well, listen, to go off  
 6 the record, you need an agreement. So if you want  
 7 to have him start leafing through documents, we're  
 8 staying on the record.  
 9 MR. BOGLE: Okay. That's fine. We'll  
 10 do that.  
 11 BY MR. BOGLE:  
 12 Q You can't point me to anything that  
 13 shows that you requested any prescription data,  
 14 can you?  
 15 MR. COLLINS: He just asked to go  
 16 through documents. You want him to go through  
 17 documents --  
 18 MR. BOGLE: He's not going to blow  
 19 through hours of my time looking at something that  
 20 he should already be familiar with.  
 21 MR. COLLINS: Well, no, he -- this isn't  
 22 a 30(b)(6) deposition.  
 23 MR. BOGLE: Doesn't have to be.  
 24 MR. COLLINS: This is in his personal



<p style="text-align: right;">Page 218</p> <p>1 supporting any change made to a threshold based on  2 business growth, right?  3 MR. COLLINS: Objection. Assumes facts  4 not in evidence.  5 BY MR. BOGLE:  6 Q We just looked at this a few minutes  7 ago.  8 MR. COLLINS: Objection. Show it to him  9 again.  10 BY MR. BOGLE:  11 Q You don't recall that?  12 A I'm sorry. I don't -- you'll have to  13 repeat the question.  14 Q My question was, to support a threshold  15 change based on business growth, supporting  16 documentation is required under the CSMP, right?  17 MR. COLLINS: Objection. Assumes --  18 BY MR. BOGLE:  19 Q As of 10/2010?  20 MR. COLLINS: Objection. Assumes facts  21 not in evidence.  22 THE WITNESS: I don't know that that  23 wasn't provided.  24 BY MR. BOGLE:</p>	<p style="text-align: right;">Page 220</p> <p>1 documentation if the CSMP was followed, right?  2 I'm not saying in your files or whose files. It  3 should be in somebody's files.  4 A I don't know that.  5 Q You don't know.  6 A I can't testify to what's in their  7 files.  8 Q I didn't ask -- I didn't say "is it." I  9 said "should it be."  10 A I can't --  11 MR. COLLINS: Objection. Calls for a  12 legal conclusion.  13 THE WITNESS: I can't testify. It was  14 electronic.  15 BY MR. BOGLE:  16 Q Okay. Was there a policy at McKesson in  17 2010 to destroy evidence of due diligence review?  18 MR. COLLINS: Objection. Argumentative.  19 Object to the theatrics.  20 BY MR. BOGLE:  21 Q There's a question.  22 A Can you repeat the question?  23 Q Was there a policy written or unwritten  24 at McKesson in October 2010 to destroy evidence of</p>
<p style="text-align: right;">Page 219</p> <p>1 Q Not my question, sir. That was  2 required, wasn't it?  3 MR. COLLINS: Objection. Form.  4 BY MR. BOGLE:  5 Q Yes or no?  6 MR. COLLINS: Objection.  7 BY MR. BOGLE:  8 Q Or you don't know?  9 MR. COLLINS: Objection to form.  10 THE WITNESS: I don't know.  11 BY MR. BOGLE:  12 Q You don't know if that was required?  13 A It was required for Michael maybe, but  14 not for me.  15 Q Okay. So you -- so for Dale Nusser to  16 sign off on his portion, he didn't need any  17 documentation to support this.  18 A Correct.  19 Q Okay. But Michael, you understand,  20 Oriente would?  21 A Yes.  22 Q Okay. So in the McKesson files that  23 have been produced to us pertaining to this  24 increase, we should find some supporting</p>	<p style="text-align: right;">Page 221</p> <p>1 due diligence review?  2 MR. COLLINS: Object to the theatrics  3 and the argument.  4 THE WITNESS: No.  5 BY MR. BOGLE:  6 Q Okay. Target, that's another -- that's  7 another large customer for McKesson over time,  8 right?  9 MR. COLLINS: Objection. Form, vague.  10 THE WITNESS: They aren't our customer  11 anymore.  12 BY MR. BOGLE:  13 Q Okay. Back in 2008, they were, right?  14 A I would -- I would think, yes.  15 Q Okay. Let's take a look at Exhibit 15,  16 which is 1.1782.  17 (Snider Exhibit No. 15 was marked  18 for identification.)  19 Q All right. This is another file that  20 was produced to us. You see it's pertaining to  21 Target No. 2231. Do you see that?  22 A Yes.  23 Q Okay. Let's start back at page .7.  24 There's an e-mail chain there.</p>

<p style="text-align: right;">Page 222</p> <p>1 And do you see the e-mail at the bottom          2 of that page from Dave Gustin to Michael Bishop          3 dated September 16, 2008, titled "Could you do me          4 a favor?" Do you see that?          5 A Yes.          6 Q Okay. It says there: "I just need a          7 TCR form you signed and dated the 30th. I will          8 use it for the 30 percent increases I made for the          9 RNAs that day after you e-mailed me all those          10 reports."          11 Do you see that?          12 A Yes.          13 Q And then Mr. Bishop responds: "This is          14 the Thanksgiving increases," question mark.          15 Do you see that?          16 A Yes.          17 Q Okay. And if you follow the e-mail          18 chain to the next page, Mr. Gustin says: "Yep,          19 11/28."          20 Do you see that?          21 A Yes.          22 Q Okay. Then if you go to page .5, it's          23 another e-mail from Dave Gustin to several          24 individuals, December 17, 2008. It says: "All:</p>	<p style="text-align: right;">Page 224</p> <p>1 A Yes, it was. Sometimes the vendors --          2 like I just got a notice today, the vendors close          3 during the holidays and product is unavailable.          4 And my customers know that too, hospitals, nursing          5 homes, pharmacies. So at that time they want to          6 make sure they get it before the pharmacy closes.          7 Q And that's a justification to increase          8 30 percent permanently?          9 A I believe so. It looks like it was          10 approved.          11 Q Okay. So each time that a big holiday          12 would come, thereafter you get 30 more percent          13 increase permanently?          14 MR. COLLINS: Objection.          15 BY MR. BOGLE:          16 Q Is that what you're saying?          17 MR. COLLINS: Objection.          18 Mischaracterization.          19 THE WITNESS: I did not say that.          20 BY MR. BOGLE:          21 Q Okay. Well, you're saying the 30          22 percent increase here was justified by the fact          23 that it was a Thanksgiving holiday and that could          24 justify a permanent increase, right?</p>
<p style="text-align: right;">Page 223</p> <p>1 On November 28, I was sent requests by Michael for          2 over 200 thresholds to get 30 percent increases          3 for various national accounts. The attached TCR          4 form covers all RNA increases made that date.          5 Please sign and file."          6 Do you see that?          7 A Yes.          8 Q Okay. And if you go to page .4, it's a          9 threshold change form from 11/28/08, the same day.          10 Do you see that? It's referenced earlier by          11 Mr. Gustin.          12 A Yes.          13 Q And it's noted to be for various          14 controlled substances, right?          15 A Yes.          16 Q And a 30 percent increase. Do you see          17 that?          18 A Yes.          19 Q What's the reason for the change given          20 there on the form?          21 A Thanksgiving holiday.          22 Q Okay. Do -- was it a McKesson policy in          23 2008 to give permanent threshold increases based          24 on holidays?</p>	<p style="text-align: right;">Page 225</p> <p>1 MR. COLLINS: Objection.          2 Mischaracterization.          3 THE WITNESS: I don't know the due          4 diligence that Dave did, but he was the national          5 acts DRA and he justified it.          6 BY MR. BOGLE:          7 Q Okay. Well, the reason for change given          8 here is what we just read, increase due to          9 Thanksgiving holiday, 30 percent increase, right?          10 A That's what -- did I say that?          11 Q That's what's stated here for reason for          12 change, right? It's what the form says.          13 A Who -- oh, the form, yes.          14 Q Right.          15 A Okay.          16 Q And under "Approved by," whose signature          17 is that?          18 A Blaine Snider. "B. Snider."          19 Q That's you, right?          20 A Yep.          21 Q And if we go to page .2, this is another          22 threshold change form from 11/28/08 for the Target          23 store in Triadelphia, West Virginia. Do you see          24 that?</p>

<p style="text-align: right;">Page 226</p> <p>1 A Yes.</p> <p>2 Q Okay. And this is for a 30 percent</p> <p>3 increase to their morphine thresholds, and under</p> <p>4 "Reason for change," you would agree with me there</p> <p>5 is nothing listed there, right?</p> <p>6 A Yes.</p> <p>7 Q Okay. And again, under "Approved by,"</p> <p>8 that's your signature, isn't it?</p> <p>9 A That I sent it to Regulatory, if I did.</p> <p>10 Q That's your signature, isn't it?</p> <p>11 A Yes.</p> <p>12 Q Okay. Did you raise any questions as to</p> <p>13 why there was no reason given to you here?</p> <p>14 A I don't even know that it was -- the</p> <p>15 threshold was increased.</p> <p>16 Q Well, it says "Approved by."</p> <p>17 MR. COLLINS: Objection. We've been</p> <p>18 over this --</p> <p>19 BY MR. BOGLE:</p> <p>20 Q Right?</p> <p>21 MR. COLLINS: -- a dozen times.</p> <p>22 Objection. Mischaracterization.</p> <p>23 BY MR. BOGLE:</p> <p>24 Q Right?</p>	<p style="text-align: right;">Page 228</p> <p>1 THE WITNESS: I don't know that.</p> <p>2 BY MR. BOGLE:</p> <p>3 Q You don't know if there's any reason</p> <p>4 listed?</p> <p>5 A Correct.</p> <p>6 Q Okay. Can you see the form?</p> <p>7 A Yes.</p> <p>8 Q Okay. Do you see any indication on this</p> <p>9 form that you disapproved this request with zero</p> <p>10 information provided for a reason?</p> <p>11 MR. COLLINS: Object to the terminology,</p> <p>12 "disapproved" and "approved."</p> <p>13 THE WITNESS: I dispute that there</p> <p>14 was -- wasn't any evidence of that.</p> <p>15 BY MR. BOGLE:</p> <p>16 Q Well, we've got the file right here.</p> <p>17 This one -- this one's shorter, so this is eight</p> <p>18 pages. I'd like you to show me where in this file</p> <p>19 there is specific documentary evidence showing why</p> <p>20 a Target in West Virginia needed a 30 percent</p> <p>21 increase on this date.</p> <p>22 A Okay. On page .6.</p> <p>23 Q .6. Okay.</p> <p>24 A There was an e-mail on December 17th</p>
<p style="text-align: right;">Page 227</p> <p>1 A That does not mean I approved it. I</p> <p>2 cannot send a -- make a threshold change. I can't</p> <p>3 do it.</p> <p>4 Q But you didn't raise any concerns at</p> <p>5 this point in time about forwarding this on to --</p> <p>6 A There's nothing on this paper --</p> <p>7 Q -- approve it, correct?</p> <p>8 A There's nothing on this paper that says</p> <p>9 he approved it or raised any concerns.</p> <p>10 Q There's nothing on this paper that</p> <p>11 indicates that you raised any concerns or in this</p> <p>12 file that indicates that you raised any concerns</p> <p>13 about this threshold change form, does it?</p> <p>14 A I don't know if it even was complied</p> <p>15 with.</p> <p>16 MR. BOGLE: Okay. Not my question, sir.</p> <p>17 Move to strike as nonresponsive.</p> <p>18 BY MR. BOGLE:</p> <p>19 Q There's nothing in this file that</p> <p>20 indicates you raised concerns about the lack of</p> <p>21 reason for threshold increase in this form, is</p> <p>22 there?</p> <p>23 MR. COLLINS: Objection. Foundation,</p> <p>24 form.</p>	<p style="text-align: right;">Page 229</p> <p>1 about a -- with an attachment threshold change</p> <p>2 form, that could have had the reason on it. I</p> <p>3 don't know. It's -- it's not here.</p> <p>4 Q Okay. This is what was produced to us.</p> <p>5 Can you point to anything that was produced to us</p> <p>6 in this file that indicates a reason for this</p> <p>7 threshold change increase?</p> <p>8 MR. COLLINS: Objection. Asked and</p> <p>9 answered.</p> <p>10 THE WITNESS: Not to my knowledge.</p> <p>11 BY MR. BOGLE:</p> <p>12 Q Okay. Best Care Pharmacy, are you</p> <p>13 familiar with them?</p> <p>14 A I -- I do know them, yes.</p> <p>15 Q It's another one of New Castle's former</p> <p>16 customers in West Virginia, right?</p> <p>17 A Yes.</p> <p>18 Q Okay. And actually, Best Care actually</p> <p>19 operated multiple pharmacies in West Virginia,</p> <p>20 didn't they?</p> <p>21 A As I recall.</p> <p>22 (Snider Exhibit No. 16 was marked</p> <p>23 for identification.)</p> <p>24 BY MR. BOGLE:</p>

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1 Q Okay. I'm going to hand you what is  
2 marked as 1.1812, Exhibit 16.  
3 You see here this is another document,  
4 file folder document with the name "Best Care" on  
5 the front.  
6 Do you see that?  
7 A Yes.  
8 Q Okay. And if we go to page .10, do you  
9 see this is your signature related to an approval  
10 that a questionnaire has been completed and  
11 affidavit signed for this customer, right?  
12 A It's a -- I testified that it's a  
13 Level I observation form.  
14 Q No, .10.  
15 A I testified that that's a Level I  
16 observation form.  
17 Q We may be on different pages.  
18 Do you see what's pulled up here on the  
19 screen?  
20 A Yes.  
21 Q Okay. That's your signature related to  
22 Best Care Pharmacy, you are saying for, what, a  
23 Level I observation?  
24 A Yes. It says "CSMP Observation Level I

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1 Documentation Form."  
2 Q On this page?  
3 MR. COLLINS: Page 9.  
4 THE WITNESS: Oh, I'm sorry. It's a --  
5 it's a continuation of that.  
6 BY MR. BOGLE:  
7 Q Okay. Well, let's look at the pharmacy  
8 questionnaire that follows thereafter.  
9 A Okay.  
10 Q You see this customer is noted to be a  
11 new customer as of October 1, 2009, right?  
12 A Yes.  
13 Q And it's for Best Care Pharmacy in  
14 Weston, West Virginia. Do you see that?  
15 A Yes.  
16 Q Okay. Do you know about how many people  
17 lift in Weston, West Virginia?  
18 A A lot more than Philippi.  
19 Q Think so?  
20 A Yes.  
21 Q Okay. Would it surprise you that it's  
22 fewer than 5,000 people?  
23 A In that area?  
24 Q In Weston, West Virginia.

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1 A Yes.  
2 Q That would surprise you?  
3 A Yes.  
4 (Snider Exhibit No. 17 was marked  
5 for identification.)  
6 BY MR. BOGLE:  
7 Q I hand you Exhibit 1.1909 marked as  
8 Exhibit 17.  
9 It says: "Population data for Weston,  
10 West Virginia," indicated to have a population of  
11 4,085 people. Do you see that?  
12 MR. COLLINS: Objection. Lack of  
13 foundation, lack of authentication, lack of  
14 knowledge.  
15 THE WITNESS: What year is this, please?  
16 BY MR. BOGLE:  
17 Q This is the current data.  
18 MR. COLLINS: Yeah, I mean -- it's the  
19 internet, it's accurate.  
20 THE WITNESS: What's that?  
21 MR. BOGLE: Well, I'm sure you guys are  
22 going to produce census data that shows otherwise,  
23 so we'll just wait to see that.  
24 MR. COLLINS: I'll withdraw my

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1 objection.  
2 MR. BOGLE: I would hope so.  
3 MR. COLLINS: It's a lack of foundation,  
4 lack of knowledge.  
5 BY MR. BOGLE:  
6 Q 4,085 people, right? That's what it  
7 says.  
8 A That's what it says right here.  
9 Q Right. That's wrong; is that your  
10 testimony?  
11 MR. COLLINS: Objection. Lack of  
12 foundation. You haven't established the witness  
13 has any knowledge about this issue.  
14 MR. BOGLE: Well, he said he thought it  
15 was wrong.  
16 THE WITNESS: I said I was surprised,  
17 and I am. I'm sorry.  
18 BY MR. BOGLE:  
19 Q You're surprised?  
20 A Yes.  
21 Q Okay. All right. Let's go back to  
22 Exhibit 1.1812, back on .11. See the pharmacist's  
23 name there is a Matthew Genin. Do you see that?  
24 A Yes.

<p style="text-align: right;">Page 234</p> <p>1 Q Okay. And further on in this form,  2 page .14, under "Purchasing Information," it's  3 asked what percentage of their purchases are  4 controlled substances, and they indicate 40  5 percent. Right?  6 MR. COLLINS: Sorry. Where are you?  7 BY MR. BOGLE:  8 Q Page .14 under Section IV(c).  9 Right?  10 A Yes.  11 Q And this was, if you look at the next  12 page, as of October 2009. Do you see that's when  13 all this form was signed?  14 A Yes.  15 Q Okay. That in and of itself would be  16 a red flag for potential diversion, right, that  17 40 percent of their purchases are controlled  18 substances?  19 MR. COLLINS: Objection. Form.  20 THE WITNESS: I would have sent this up  21 to the DRA to make sure they vet it out.  22 BY MR. BOGLE:  23 Q I'm asking your opinion, though, sir.  24 40 percent, is that a red flag to you?</p>	<p style="text-align: right;">Page 236</p> <p>1 MR. COLLINS: Objection. Asked and  2 answered.  3 THE WITNESS: It depends on their  4 business.  5 BY MR. BOGLE:  6 Q Okay. That's -- that's well above the  7 norm, isn't it?  8 A It's above the average, yes.  9 Q Yeah. If you go to the next page,  10 page .15, they provide more detail on their  11 controlled substance purchases. They indicate  12 6,199 doses dispensed per month for hydrocodone.  13 Do you see that?  14 A Yes.  15 Q And 4,905 doses of oxycodone per month  16 is what they are telling you, right, as of this  17 time?  18 A Yes.  19 Q Okay. And there's a request for  20 anything over 5,000 to provide a reason, which is  21 indicated as -- they underlined "Frequent  22 referrals from pain clinics," et cetera. Do you  23 see that?  24 A Yes.</p>
<p style="text-align: right;">Page 235</p> <p>1 A And my opinion is I definitely would  2 send this up to the DRA so they can vet it out,  3 yes.  4 Q Because that's a concern, right, 40  5 percent?  6 A I would send it to the DRA so they could  7 vet it out for sure.  8 Q Because that's a concern. 40 percent of  9 their purchases being controlled substances, that  10 is a concern, a potential red flag, right?  11 A At the time I don't remember, but I know  12 I sent it up to the DRA for vetting out.  13 Q Okay. My question was simply whether  14 that would be concerning to you in October 2009,  15 when you signed this form.  16 A I don't know that --  17 Q When you read this form, you don't know?  18 A I don't know that when I signed that.  19 Q Okay.  20 A There's documentation as to why, and  21 then they do their due diligence. That's part of  22 the process of that year also.  23 Q But 40 percent is a high figure, right,  24 for controlled substances?</p>	<p style="text-align: right;">Page 237</p> <p>1 Q Okay. Again, that's a potential red  2 flag if they're getting frequent referrals from  3 pain clinics, right? We talked about that  4 earlier.  5 MR. COLLINS: Objection. Form,  6 compound.  7 THE WITNESS: That one I would do the  8 due diligence on for sure.  9 BY MR. BOGLE:  10 Q Right.  11 A And send it up to the director of  12 Regulatory Affairs, yes.  13 Q And you would hope that they would vet  14 that closely, right?  15 A Yes.  16 Q That issue.  17 All right. Let's go to page .43.  18 So you've got a threshold change form  19 here from -- dated October 9, 2009. Do you see  20 that?  21 A Yes.  22 Q Okay. And this is for a permanent  23 change regarding 9193, which I will represent is  24 hydrocodone. That's y'all's code for hydrocodone.</p>



<p style="text-align: right;">Page 238</p> <p>1 Do you see that code listed there?</p> <p>2 A Where is that listed?</p> <p>3 Q "CS requested" -- 9191 is slashed</p> <p>4 through and 9193 is written.</p> <p>5 A Oh, on the left. I'm sorry.</p> <p>6 Q Yeah. Do you see that?</p> <p>7 A 9193, yes.</p> <p>8 Q Okay. And if you see here, the current</p> <p>9 threshold at this point in time in October 2009 is</p> <p>10 8,000, and they're requesting an increase by</p> <p>11 12,000 additional doses.</p> <p>12 Do you see that?</p> <p>13 A Sorry. It says 5,000.</p> <p>14 MR. COLLINS: I'm -- I'm confused, and I</p> <p>15 think the witness is too.</p> <p>16 BY MR. BOGLE:</p> <p>17 Q Current threshold, 8,000. Do you see</p> <p>18 that?</p> <p>19 A No, I don't see 8,000.</p> <p>20 MR. COLLINS: I don't see it either.</p> <p>21 BY MR. BOGLE:</p> <p>22 Q On .43. Let me check my page here.</p> <p>23 All right. So, I'm sorry. Actually,</p> <p>24 it's .44. My fault.</p>	<p style="text-align: right;">Page 240</p> <p>1 change," what's provided there?</p> <p>2 A Nothing. Just the date.</p> <p>3 Q And if we go then to the next form --</p> <p>4 A If I could say on there, also it says</p> <p>5 "Question of declaration on file: Yes, dated</p> <p>6 10/1/09." So someone was just in there nine days</p> <p>7 before this threshold request.</p> <p>8 MR. BOGLE: Move to strike as</p> <p>9 nonresponsive.</p> <p>10 BY MR. BOGLE:</p> <p>11 Q I asked you what was written there under</p> <p>12 "Reason for requested change" section.</p> <p>13 MR. COLLINS: His answer is what it is.</p> <p>14 BY MR. BOGLE:</p> <p>15 Q All right. Let's go to Bates page</p> <p>16 ending 4225, since my pages are wrong on this</p> <p>17 document, which is bottom right, 4225.</p> <p>18 It's another threshold change form,</p> <p>19 October 26, 2009, for a permanent change for</p> <p>20 hydrocodone for Best Care.</p> <p>21 Do you see that?</p> <p>22 A Yes.</p> <p>23 Q Okay. And at this point because the</p> <p>24 threshold has just been increased a couple of</p>
<p style="text-align: right;">Page 239</p> <p>1 A Okay.</p> <p>2 Q All right. So this is -- let's go back</p> <p>3 and make sure we're talking about the same thing.</p> <p>4 October 9, 2009, threshold change form,</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q For Best Care, right?</p> <p>8 A Yes.</p> <p>9 Q 9193 is the base code entered, which</p> <p>10 again I'll represent to you is hydrocodone.</p> <p>11 That's how you guys code that.</p> <p>12 A Yes.</p> <p>13 Q Okay. And you see the current threshold</p> <p>14 is at 8,000.</p> <p>15 A Yes.</p> <p>16 Q It's a permanent -- request for a</p> <p>17 permanent increase, right?</p> <p>18 A Yes.</p> <p>19 Q Increase by 12,000 units, right?</p> <p>20 A Yes.</p> <p>21 Q And this threshold change request was</p> <p>22 submitted on October 9, 2009, by you, correct?</p> <p>23 A Yes.</p> <p>24 Q Okay. And under "Reason for requested</p>	<p style="text-align: right;">Page 241</p> <p>1 weeks earlier, which we just saw, now their</p> <p>2 current threshold is at 20,000, right?</p> <p>3 A I don't remember when the other one was.</p> <p>4 Q Sure. We just looked at it. We can</p> <p>5 look at it again.</p> <p>6 A If you can just give me the date, I</p> <p>7 would be fine.</p> <p>8 Q It was October 9, 2009 is what we just</p> <p>9 looked at. I can take you back to that page if</p> <p>10 you want.</p> <p>11 A Okay. And this one is --</p> <p>12 Q So here you go, page -- Bates page</p> <p>13 ending 4227, two pages later as the one we just</p> <p>14 looked at.</p> <p>15 A Yes.</p> <p>16 Q Okay. We see hydrocodone, there's a</p> <p>17 requested increase from 8 to 20.</p> <p>18 A Yes.</p> <p>19 Q Okay. Which was submitted by you that</p> <p>20 day. So we're now a couple of weeks later, same</p> <p>21 product, we show the threshold is 20,000, which</p> <p>22 you indicated it was approved previously, right?</p> <p>23 A Yes.</p> <p>24 Q Okay. And now there's a request for an</p>



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1 additional 5,000 dosage units for hydrocodone,  
2 right?  
3 A Yes.  
4 Q Okay. And is there any specific reason  
5 for the requested change given here?  
6 A It says questionnaire declaration was  
7 done two weeks previously, or a week and a half.  
8 And it was a new customer.  
9 Q Okay. My question was, under "Reason  
10 for requested change," what's the reason provided  
11 there?  
12 MR. COLLINS: Asked and answered.  
13 THE WITNESS: Only that I referenced the  
14 questionnaire and declaration on file.  
15 BY MR. BOGLE:  
16 Q Right. You don't give any specific  
17 reason for the change that's being requested, do  
18 you?  
19 MR. COLLINS: Objection.  
20 Mischaracterization, asked and answered.  
21 THE WITNESS: Only that I would  
22 reference the questionnaire.  
23 BY MR. BOGLE:  
24 Q Right. There's no documented reason why

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1 there's an increase here, especially given that  
2 you've already increased it just two weeks before.  
3 Right?  
4 MR. COLLINS: Objection. It's a  
5 mischaracterization of the document and his prior  
6 testimony.  
7 MR. BOGLE: So I'll strike that.  
8 BY MR. BOGLE:  
9 Q We can agree this was increased just two  
10 weeks prior, right?  
11 A Yes.  
12 Q Okay. And we can agree there's an  
13 additional request being submitted two weeks later  
14 without any additional documentation supporting  
15 why they would need 5,000 more doses a month just  
16 two weeks later, is there?  
17 MR. COLLINS: Objection.  
18 Mischaracterization of the document and his prior  
19 testimony.  
20 THE WITNESS: I would have to reference  
21 the questionnaire and the visit.  
22 BY MR. BOGLE:  
23 Q Right. So -- but for the reason for  
24 requested change, we can agree there is zip

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1 written there, nothing, right?  
2 MR. COLLINS: Object. That's a  
3 mischaracterization of the document and his  
4 testimony.  
5 THE WITNESS: The document says: "Refer  
6 to questionnaire or -- and declaration on file  
7 10/1/09." So that was within nine days.  
8 BY MR. BOGLE:  
9 Q No, this is now three weeks, and you  
10 already increased it after that.  
11 A Right.  
12 Q What I'm saying, though, this whole  
13 "Reason for requested change" section is supposed  
14 to be completed, right? You don't just refer to a  
15 declaration. That's the whole purpose of this,  
16 right, you document your reason for the business  
17 change?  
18 MR. COLLINS: Objection.  
19 BY MR. BOGLE:  
20 Q You don't say "See declaration."  
21 MR. COLLINS: Objection.  
22 BY MR. BOGLE:  
23 Q Right?  
24 MR. COLLINS: There's about four

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1 questions within one. Compound, form, asked and  
2 answered.  
3 BY MR. BOGLE:  
4 Q Sure, I'll reask it.  
5 The reason for requested change  
6 is supposed to be -- there's supposed to be a  
7 written reason documented as to why this change is  
8 needed, right?  
9 A In totality, I would have to refer to  
10 the questionnaire on file.  
11 MR. BOGLE: Move to strike as  
12 nonresponsive.  
13 BY MR. BOGLE:  
14 Q "Reason for requested change, be  
15 specific."  
16 MR. COLLINS: If that's --  
17 BY MR. BOGLE:  
18 Q That's what it says, right?  
19 MR. COLLINS: If that's a question,  
20 objection. Asked and answered.  
21 BY MR. BOGLE:  
22 Q Does it say "Be specific"?  
23 MR. COLLINS: Objection. Asked and  
24 answered multiple times.

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1 BY MR. BOGLE:  
 2 Q Does it say "Be specific"?  
 3 A And I had the same response: Be  
 4 specific, and refer to the questionnaire and  
 5 declaration on file.  
 6 Q Does it say, "Be specific, please refer  
 7 to questionnaire"? Does that say that's good  
 8 enough?  
 9 A It's right underneath that.  
 10 Q No, you -- it says "Questionnaire or  
 11 declaration." It just asks whether it's there.  
 12 It doesn't say that that's sufficient, does it?  
 13 A It's -- it's --  
 14 MR. COLLINS: Objection. Argumentative.  
 15 I would ask you to move on to something else.  
 16 BY MR. BOGLE:  
 17 Q So is it your testimony that your  
 18 understanding that as of 2009, you could simply  
 19 put "See questionnaire," and that was fine?  
 20 MR. COLLINS: Objection.  
 21 BY MR. BOGLE:  
 22 Q Or "See declaration," and that was --  
 23 that was justified to increase any threshold based  
 24 on that?

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1 MR. COLLINS: Object --  
 2 BY MR. BOGLE:  
 3 Q Is that your testimony?  
 4 MR. COLLINS: Objection. The question  
 5 is compound. It's about three or four questions.  
 6 It's been asked and answered.  
 7 BY MR. BOGLE:  
 8 Q Is that your testimony?  
 9 MR. COLLINS: It's been asked and  
 10 answered. It's a mischaracterization of his  
 11 testimony.  
 12 THE WITNESS: No, my testimony is that I  
 13 did the due diligence and sent it up to Michael  
 14 Oriente, the director of Regulatory Affairs.  
 15 BY MR. BOGLE:  
 16 Q You're saying you did your due diligence  
 17 because there was a questionnaire and declaration  
 18 on file, right?  
 19 A Yes. You can see quite a bit of  
 20 information on the store for Best Care, and sales  
 21 data and vetting out the store. And I -- I'm  
 22 sorry, it was 10/26, so it was done on 10/1.  
 23 Q Right. Which we already discussed  
 24 that -- and you've already increased it --

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1 A I did.  
 2 Q -- requested increase 10/9?  
 3 A And it's a new customer, yes.  
 4 Q Okay. But this is the second increase  
 5 in a month.  
 6 A Yes.  
 7 Q And there's -- you would agree with me,  
 8 other than saying "Questionnaire and declaration  
 9 on file, yes," there's no written justification  
 10 here provided, right?  
 11 MR. COLLINS: Objection.  
 12 Mischaracterization. It's been asked and  
 13 answered.  
 14 THE WITNESS: I would agree to reference  
 15 the questionnaire and also the DRA's approval.  
 16 BY MR. BOGLE:  
 17 Q So the questionnaire, which tells us how  
 18 much they're dispensing of controlled substances,  
 19 and the declaration that they claim they're doing  
 20 everything above board, that's good enough, right?  
 21 MR. COLLINS: Objection. Argumentative.  
 22 BY MR. BOGLE:  
 23 Q Right?  
 24 A I don't know that.

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1 Q Okay. Okay. Let's take a look at Bates  
 2 page ending 4234.  
 3 See it's another threshold change form  
 4 for Best Care, 11/24/09, right?  
 5 A Yes.  
 6 Q This time the request is to increase the  
 7 oxycodone threshold from 8,000 to 12,000, right?  
 8 A Yes.  
 9 Q Permanently, right?  
 10 A Yes.  
 11 Q And the reason for change provided here  
 12 is: "Store business warrants increase to 12,000,"  
 13 right?  
 14 A Yes.  
 15 Q And that would have been provided by  
 16 you, that information, right?  
 17 MR. COLLINS: Objection. Form.  
 18 THE WITNESS: I don't know that.  
 19 BY MR. BOGLE:  
 20 Q Your name appears under "Approved by,"  
 21 right?  
 22 A Yes.  
 23 MR. COLLINS: Objection. Asked and  
 24 answered, mischaracterization.

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1 BY MR. BOGLE:  
 2 Q That's what it says, right?  
 3 A Yes.  
 4 Q Okay. And is there any other reason  
 5 listed for the change other than "Store business  
 6 warrants increase to 12,000" --  
 7 A No.  
 8 Q -- provided on this form?  
 9 MR. COLLINS: Objection. Objection.  
 10 Mischaracterization.  
 11 BY MR. BOGLE:  
 12 Q If we go to Bates page ending 4239.  
 13 So this has indicated a Level I review  
 14 for hydrocodone from June 2010. Do you see that?  
 15 A Yes.  
 16 Q And it's noted that they've omitted for  
 17 hydrocodone, right?  
 18 It says "EOM omit" under "Supporting  
 19 Information" -- or next to "Supporting  
 20 Information."  
 21 A Yes. I'm sorry, I'm not familiar with  
 22 these. These are only documents the DRA has  
 23 knowledge of.  
 24 Q What is an omit?

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1 A It means something wasn't filled.  
 2 Q Okay. And one way in which somebody can  
 3 omit is because they've reached their threshold,  
 4 right?  
 5 A Yes.  
 6 Q Okay. If you go to the next page here,  
 7 do you see where it says "Supporting Information"?  
 8 Do you see that, the next page, Bates  
 9 page ending 4240?  
 10 A Yes.  
 11 Q Okay. "Supporting Information" says:  
 12 "Due to an increase in local prescriptions for  
 13 hydrocodone, Matt has requested we raise his  
 14 threshold on this item."  
 15 Do you see that?  
 16 A Yes.  
 17 Q And the reason for TCR, two below that,  
 18 says: "Business growth should be supported by  
 19 corresponding sales increase."  
 20 Do you see that?  
 21 A Yes.  
 22 Q Okay. And the specific request is to  
 23 increase the number of hydrocodone doses by 5,000  
 24 units, right? 5,000 doses.

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1 A Yes.  
 2 Q Okay. And you see the next page, there  
 3 are approvals from Dale Nusser and Michael Oriente  
 4 on July 8, 2010, right?  
 5 A Yes.  
 6 Q Okay. And Dale Nusser, I think we  
 7 talked about earlier works -- worked beneath you  
 8 at this point in time, right?  
 9 A Yes.  
 10 Q So to approve this based on business  
 11 growth, you would agree there should be some  
 12 supporting documentation somewhere to support  
 13 that, right, that their business has in fact grown  
 14 legitimately?  
 15 A I don't know that.  
 16 Q You don't know whether that should be  
 17 there?  
 18 A I don't know if Mike got that or not.  
 19 Q I'm asking whether it should be there.  
 20 I'm not asking whether it is there.  
 21 A I don't know.  
 22 Q You don't know whether that should be  
 23 there or not?  
 24 A That would be up to Michael.

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1 Q Okay.  
 2 A I don't know if he had to keep that or  
 3 he disposed of it. I don't know.  
 4 Q You don't in fact know whether they got  
 5 it, do you?  
 6 MR. COLLINS: Objection. Calls for  
 7 speculation.  
 8 THE WITNESS: I'll testify that I never  
 9 saw this document, and I'm not responsible for the  
 10 document, but it's Michael Oriente that had the  
 11 document.  
 12 BY MR. BOGLE:  
 13 Q Okay. Do you see page 4242 in this  
 14 document?  
 15 It's another threshold change request,  
 16 this time from July 23rd, 2010. Do you see that?  
 17 The date's on the second page.  
 18 A Oh, thank you.  
 19 Q Do you see that date on there?  
 20 A Yes.  
 21 Q Okay. And this is to increase  
 22 hydrocodone doses by 5,000 doses at this point in  
 23 time, right?  
 24 MR. COLLINS: Objection. Lack of

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1 foundation.  
2 THE WITNESS: Yes.  
3 BY MR. BOGLE:  
4 Q Okay. And the reason cited is again  
5 business growth, right?  
6 A It says -- if I could interject, it  
7 says: "Should be supported by corresponding sales  
8 increase."  
9 Q Yeah. That's what it says, right?  
10 A Yes.  
11 Q And then "Supporting Information," it  
12 says: "The account opened last October 2009. The  
13 new owner is trying to increase his business in  
14 the area and reestablish the pharmacy. He has  
15 increased a number of prescriptions and requesting  
16 another increase for hydrocodone. He was already  
17 given an increase of 5,000 on the 8th of this  
18 month."  
19 Do you see that?  
20 A Yes.  
21 Q So, again, whoever is approving this,  
22 Michael Oriente or otherwise, should be requesting  
23 documentation to support that increase, right?  
24 MR. COLLINS: Objection. Form.

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1 THE WITNESS: I don't know. He may have  
2 it.  
3 BY MR. BOGLE:  
4 Q Should he? Should he, right? He  
5 should.  
6 MR. COLLINS: Objection. Calls for a  
7 legal conclusion.  
8 THE WITNESS: He may have it. I don't  
9 know.  
10 BY MR. BOGLE:  
11 Q Right. My question is, should he?  
12 MR. COLLINS: Same objection. Calls for  
13 a legal conclusion.  
14 THE WITNESS: I don't know that he  
15 doesn't have that.  
16 BY MR. BOGLE:  
17 Q That, sir, was not my question. I'm  
18 asking should he have requested it. I'm not  
19 asking whether he did or whether he's got it or  
20 what happened to it. I'm just asking if he  
21 should.  
22 A I don't know that.  
23 MR. COLLINS: I'm sorry --  
24 BY MR. BOGLE:

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1 Q You don't know if he should have?  
2 MR. COLLINS: Let me object. Lack of  
3 foundation, lack of firsthand knowledge, calls for  
4 a legal conclusion.  
5 BY MR. BOGLE:  
6 Q You see on the next page, page 4243,  
7 this was approved by Michael Oriente and Duane  
8 McPherson. Do you see that?  
9 A Yes.  
10 Q Does Duane McPherson work at your  
11 distribution center?  
12 A Yes.  
13 Q Okay. Works beneath you?  
14 A Yes.  
15 Q We'll look at another one from the same  
16 month for oxycodone, July 2010, which is page  
17 4244.  
18 Do you see they've omitted here for  
19 oxycodone, July 2010? Do you see that?  
20 MR. COLLINS: Objection. Lack of  
21 foundation. The witness hasn't testified he has  
22 firsthand knowledge of this.  
23 THE WITNESS: Yeah, I don't know what  
24 this is. If it doesn't respond to another

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1 threshold change request earlier, is this the same  
2 one we went over?  
3 BY MR. BOGLE:  
4 Q We're about to walk through that. Just  
5 bear with me.  
6 A Okay.  
7 Q What it says here is an oxycodone omit,  
8 July 2010, right?  
9 MR. COLLINS: Objection. Lack of  
10 foundation. Lack of firsthand knowledge.  
11 THE WITNESS: This document is new to  
12 me, but that's what it says.  
13 BY MR. BOGLE:  
14 Q And it notes a Level I review, right?  
15 MR. COLLINS: Objection. Lack of  
16 foundation.  
17 THE WITNESS: Yes, it says "Document  
18 type."  
19 BY MR. BOGLE:  
20 Q Yep, Level I review. And Level I  
21 reviews at this point in time in 2010 were to be  
22 done by you or your designee at the distribution  
23 center, right?  
24 A Or director of regular -- Regulatory

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1 THE WITNESS: That's what it says there.  
 2 BY MR. BOGLE:  
 3 Q And this was one approved January 27,  
 4 2011, by Diane Martin and Michael Oriente. Do you  
 5 see that, the next page?  
 6 A Yes. Michael's director of Regulatory  
 7 Affairs.  
 8 Q Also approved by Diane Martin, as  
 9 indicated on that form, right?  
 10 A She evidently put it in.  
 11 Q Right. Do you recall another location  
 12 of Best Care being in Lumberport, West Virginia?  
 13 MR. COLLINS: Are you -- I'm sorry.  
 14 We've been going 70 minutes. Is this a good time  
 15 to break?  
 16 MR. BOGLE: That's fine. I'm moving to  
 17 a different pharmacy. That's fine.  
 18 THE VIDEOGRAPHER: The time is 12:47  
 19 p.m. We're going off the record.  
 20 (Lunch recess.)  
 21 THE VIDEOGRAPHER: The time is  
 22 1:35 p.m., and we're back on the record.  
 23 BY MR. BOGLE:  
 24 Q All right, Mr. Snider, we're back from

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1 lunch. I wanted to pick up from where we were  
 2 talking about before we broke.  
 3 So we were talking about Best Care  
 4 Pharmacy. You recall that generally?  
 5 A Yes.  
 6 Q Okay. And I want to talk to you about  
 7 their pharmacy in Lumberport, West Virginia. Are  
 8 you familiar with that pharmacy?  
 9 A A little bit, yeah.  
 10 Q Okay. And that's a pharmacy that New  
 11 Castle has serviced historically, right?  
 12 A Yes. It -- I believe it -- the  
 13 documents show 2009, was it, it went onboard.  
 14 Q Okay. Yeah. So I want to take a look  
 15 at some documents related to that location.  
 16 (Snider Exhibit No. 18 was marked  
 17 for identification.)  
 18 BY MR. BOGLE:  
 19 Q I'm going to hand you Exhibit 1.1821,  
 20 also marked as Exhibit 18 to your deposition.  
 21 All right. This is another one of these  
 22 files, and you see the name on the outside is  
 23 "Lumberport."  
 24 Do you see that?

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1 A Yes.  
 2 Q Okay. And I want to walk through, first  
 3 of all, the pharmacy questionnaire when they were  
 4 onboarded.  
 5 So if you go to page .2, you see there's  
 6 a signature there on that page from you. Do you  
 7 see that?  
 8 A Yes.  
 9 Q Okay. Related to Lumberport Pharmacy.  
 10 And would this be you signing off on the pharmacy  
 11 questionnaire that follows?  
 12 A Yes. And the affidavit was signed by  
 13 the pharmacist, I believe.  
 14 Q Okay. So let's go to the questionnaire  
 15 that starts on page .3. And you see there,  
 16 they're noted to be a new customer going live  
 17 October 1, 2009. Do you see that?  
 18 A Yes.  
 19 Q Okay. And the pharmacist's name there  
 20 is a Matt Genin. Do you see that at the bottom?  
 21 A Yes.  
 22 Q Okay. You recognize that is the same  
 23 name we just saw going through the Best Care  
 24 Pharmacy at Weston, West Virginia. Do you recall

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1 that name?  
 2 A I don't remember, but it could be.  
 3 Q Okay. Well, I can show you if you want  
 4 to refresh on it. Let me -- give me one second to  
 5 find that document.  
 6 MR. COLLINS: I honestly don't remember  
 7 it, but --  
 8 MR. BOGLE: It's not a huge point, but I  
 9 decided I wanted to make it, so we're --  
 10 MR. COLLINS: Fine. Fair enough. It's  
 11 your depo.  
 12 BY MR. BOGLE:  
 13 Q All right. So it's 1.1812, which I  
 14 believe would be Exhibit 17 as well, the Best Care  
 15 document we looked at right before lunch. I think  
 16 it's the one you've got in your hand right there.  
 17 MR. COLLINS: That's 16.  
 18 MR. BOGLE: Oh, is it 16? Okay. Then  
 19 that's the one I want, 16.  
 20 MR. COLLINS: What page? I'm sorry.  
 21 BY MR. BOGLE:  
 22 Q So if you go to page on this one .11.  
 23 It's again the pharmacy questionnaire.  
 24 Do you see the pharmacist's name there?



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1 A Yes.

2 Q Do you see it's the same individual

3 we're talking about there?

4 A Yes. Same license.

5 Q Yeah, same license number as well.

6 Okay.

7 So we're dealing with the same

8 pharmacist involved with this Lumberport location

9 here. So in looking further, he's also noted on

10 .4 as the owner of the pharmacy.

11 Do you see that?

12 A I believe the owner, it says Bob Reep.

13 Q Are you at -- are you back on

14 Exhibit 18? Because I'm looking at page .4.

15 A Well, I'm not sure who's the owner. Is

16 it Bob Reep or Matt Genin?

17 Q Well, let's look at .4, and we can take

18 a look at that first.

19 A Okay.

20 Q So on .4, it says "Ownership/business

21 history," and it says "Owner's name: Matt Genin,

22 dba," which I believe means doing business as,

23 "Best Care Pharmacy."

24 Do you see that?

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1 A Yes.

2 Q Okay. And it's actually got the Weston

3 address of the Best Care Pharmacy we just looked

4 at, right?

5 A Yes.

6 Q And continuing further on in this

7 questionnaire, page .7, and you see here again

8 they're outlining their controlled substances

9 purchases as of October 2009, and they note 80

10 percent of the controlled substances purchases

11 were for hydrocodone.

12 Do you see that?

13 A Yes.

14 Q Okay. And you would agree 80 percent of

15 their controlled substances purchases being

16 hydrocodone is a potential red flag that needs to

17 be reviewed from the perspective of diversion,

18 right?

19 A I would agree that the director of

20 Regulatory Affairs would have to look at that.

21 Q Okay. It's something that should be

22 looked at. I'm not saying -- again, I'm not

23 saying necessarily that it's you on the front

24 lines looking at that, but that should be

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1 investigated, correct?

2 A It's something that I think the director

3 of Regulatory Affairs should look at.

4 Q All right. Now, Lumberport, you

5 understand that's another very small city, right?

6 MR. COLLINS: Objection.

7 BY MR. BOGLE:

8 Q In West Virginia.

9 MR. COLLINS: Objection to form.

10 THE WITNESS: I don't remember.

11 BY MR. BOGLE:

12 Q Okay. Have you ever been to Lumberport?

13 A No, I don't remember being there.

14 Q Okay.

15 (Snider Exhibit No. 19 was marked

16 for identification.)

17 BY MR. BOGLE:

18 Q I hand you Exhibit 19.

19 Actually, let me ask you this: If the

20 census data indicated there were fewer than a

21 thousand people living in Lumberport, would you

22 have reason to dispute that?

23 MR. COLLINS: Again, foundation.

24 THE WITNESS: I wouldn't know. I'd have

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1 no reason to dispute it.

2 BY MR. BOGLE:

3 Q Okay. Let's just take a look real quick

4 then. Exhibit 19, also marked as 1.1908, is what

5 I'm handing you.

6 All right. It's another printout with

7 population and other data. You see it's for

8 Lumberport, West Virginia?

9 A Yes, I see.

10 Q And this is the most current data that I

11 was able to obtain. The population noted here for

12 Lumberport is 881 people. Do you see that?

13 A Yes.

14 Q Okay. Do you have any specific

15 knowledge that would contradict that being the

16 most current population data for Lumberport?

17 MR. COLLINS: Objection. Foundation.

18 THE WITNESS: I don't have any knowledge

19 of the surrounding area of Lumberport.

20 BY MR. BOGLE:

21 Q Okay. All right. So let's go back to

22 Exhibit 1.1821, and I want to specifically look at

23 .19 is the page.

24 A Can you give me that exhibit again?



<p style="text-align: right;">Page 274</p> <p>1 Q It's 1.1821, the page is .19. The page  2 should look like this (indicating).  3 MR. COLLINS: He's referring to the  4 numbers at the top.  5 THE WITNESS: Oh, 1821.19, okay.  6 BY MR. BOGLE:  7 Q Yeah.  8 A Thank you.  9 Q Are you at that page?  10 A Yes.  11 Q Okay. And you see here this is for  12 threshold change form, October 19, 2009, for a  13 permanent threshold change. Do you see that?  14 MR. COLLINS: Objection. Form.  15 THE WITNESS: I don't know if it's to  16 start them. It looks like the day we opened them.  17 BY MR. BOGLE:  18 Q Yeah, I'm just saying the date is  19 October 19, 2009, right?  20 A Yes.  21 Q Okay. And it's a threshold change form  22 requesting a permanent threshold change, right?  23 A Yes, but I think it's the start of their  24 ownership. I'm not sure because I'm -- we had a</p>	<p style="text-align: right;">Page 276</p> <p>1 Q They're asking to add 8,000 to the  2 existing threshold, right?  3 A Yes.  4 Q Okay. So -- and it says for -- the  5 reason for the requested change -- actually,  6 strike that.  7 When it's noted to increase a threshold,  8 and we talk about by a certain number of doses, a  9 dose when it comes to hydrocodone or oxycodone is  10 a pill, right?  11 A Usually a pill or an ounce.  12 Q All right. When it comes in pill form,  13 it's going to be a single pill, right?  14 A Usually, yes.  15 Q Okay.  16 A That I know of.  17 Q Okay. And the reason noted for the  18 requested change here is: "Brand new account.  19 Family threshold is set too low." Do you see  20 that?  21 A Yes.  22 Q Okay. And this was submitted by you on  23 October 20th, 2009, right?  24 A Yes.</p>
<p style="text-align: right;">Page 275</p> <p>1 Level I questionnaire on that date.  2 Q Okay. But all I'm --  3 A So I'm --  4 Q Okay. All I'm asking, though, is it's  5 indicated to be a permanent change being  6 requested, right?  7 A Yes.  8 Q Okay. And this is related to 9193,  9 which I believe is hydrocodone. Do you see that?  10 A Yes.  11 Q And the current threshold is noted to be  12 8,000 at this point in time, right?  13 A Yes.  14 MR. COLLINS: Objection.  15 Mischaracterization.  16 BY MR. BOGLE:  17 Q And there is a request to increase that,  18 to double that, to 16,000 doses per month, right?  19 MR. COLLINS: Objection. Foundation.  20 THE WITNESS: Well, I'd have to -- oh,  21 plus -- plus 8,000.  22 BY MR. BOGLE:  23 Q Right.  24 A Yes.</p>	<p style="text-align: right;">Page 277</p> <p>1 Q And in addition, from sales, Jim  2 Gavatora; approved by Michael Oriente, right?  3 A Yes.  4 Q Okay. And to establish that the  5 threshold is too low for the specific product, you  6 would need to be able to look at the prescription  7 data for hydrocodone and the overall prescription  8 data to indicate whether this is too low.  9 You agree with that, right?  10 MR. COLLINS: Objection. Form.  11 THE WITNESS: I would not have to look  12 at that. I'd look at the --  13 What year was this, please?  14 BY MR. BOGLE:  15 Q October 2009.  16 A I believe I would get the sales and the  17 director of Regulatory Affairs or the -- or Jim  18 would have gotten the script information.  19 Q Right. But my question simply was,  20 to -- whoever is making this determination at  21 Regulatory would need to look at how much they're  22 selling of hydrocodone and how that compares to  23 their overall prescription sales at that time,  24 right?</p>

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1 that indicates an attachment here, there's actual  
2 physical documentation attached here showing  
3 purchase data?  
4 MR. COLLINS: Objection. Form.  
5 THE WITNESS: I don't see anything  
6 except that Word document attachment that's not  
7 attached here.  
8 BY MR. BOGLE:  
9 Q Okay. And how do you know that's not  
10 attached?  
11 A I don't see it.  
12 Q Okay. Do you see there's a -- on that  
13 same day -- I think you're looking at page .20.  
14 A Yes.  
15 Q Okay. And that references a Lumberport  
16 TCF, hydrocodone, 10/19/09, right?  
17 A I don't know.  
18 Q So the document -- that's what it says,  
19 the attachment, right, that you're referring to?  
20 A Yes. Yeah.  
21 Q Okay. And you see the previous page,  
22 10/19/09, I believe is the one we just looked at a  
23 minute ago, same date, hydrocodone, increase  
24 request?

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1 MR. COLLINS: Objection. Form.  
2 THE WITNESS: I -- I --  
3 MR. COLLINS: What's the question?  
4 THE WITNESS: I see it.  
5 BY MR. BOGLE:  
6 Q It's the same date and for the same  
7 product that you're refer- -- that's being  
8 referenced in the attachment there, right? And  
9 the same pharmacy.  
10 A Yes, it is.  
11 Q Okay. And TCF is threshold change,  
12 right, form?  
13 A Yes. That's usually what we refer to.  
14 Q All right. Let's go to next page .15 in  
15 this document.  
16 And on .15 and .16 is an additional  
17 threshold change request for hydrocodone for an  
18 additional 2,000 doses.  
19 Do you see that?  
20 MR. COLLINS: Objection. Foundation.  
21 THE WITNESS: Yeah, this is a Pharmacy  
22 Regulatory Affairs document. I didn't always see  
23 these, and I didn't see this.  
24 BY MR. BOGLE:

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1 Q Okay. Do you see that there, though,  
2 the request for 2,000 additional doses for  
3 hydrocodone?  
4 MR. COLLINS: Same objections.  
5 THE WITNESS: It's what it looks like,  
6 yes.  
7 BY MR. BOGLE:  
8 Q And on .16, this was approved by Diane  
9 Martin at your facility and Michael Oriente,  
10 October 26, 2010 -- or August 26, 2010, right?  
11 MR. COLLINS: Objection. Foundation.  
12 THE WITNESS: That would mean Diane  
13 would have sent it in to the director of  
14 Regulatory Affairs.  
15 BY MR. BOGLE:  
16 Q Right. But what's noted in the document  
17 is approval dates, August 26, 2010, for both of  
18 them, right?  
19 A I believe that's when Diane sent it in,  
20 yes.  
21 Q Okay. And what's noted here, if you go  
22 back to page .15 for supporting information, it  
23 says: "This accounts purchases are up overall. A  
24 review and visit were done by Dale Nusser and Jim

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1 Gavatora in the fall of 2009."  
2 Do you see that?  
3 A Yes.  
4 Q Okay. So that's a full year prior to  
5 this request when this review was done, right?  
6 MR. COLLINS: Objection. Misstates the  
7 document.  
8 THE WITNESS: I would think that's  
9 reasonable.  
10 BY MR. BOGLE:  
11 Q Okay. So the supporting information for  
12 this increase in August 2010 is that there had  
13 been a review and site visit nearly a year before,  
14 right?  
15 A I don't know what else was included with  
16 Michael's DRA due diligence.  
17 Q But that's what's indicated here for  
18 supporting information on this form, right?  
19 A The form says that, yes.  
20 Q Right. And it's for a permanent  
21 request, again based on "Business growth should be  
22 supported by corresponding sales increase."  
23 That's what's indicated on the form, right?  
24 MR. COLLINS: Objection. Form.

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1 THE WITNESS: That's what it says on the  
2 form. I don't know that he doesn't have that.  
3 BY MR. BOGLE:  
4 Q Right. You don't know either way,  
5 right?  
6 A No.  
7 Q And for Lumber -- I'm sorry, strike  
8 that.  
9 For Best Care, they also had a pharmacy  
10 in Belington, West Virginia, right? Do you recall  
11 that, servicing that pharmacy too?  
12 A Yes, I do.  
13 Q Okay. And Belington, West Virginia, do  
14 you know anything about the population for that  
15 city?  
16 A No, I don't. I don't. I don't think I  
17 remember being there.  
18 Q Okay. Any reason to dispute they have  
19 about 2,000 people in Belington, West Virginia?  
20 MR. COLLINS: Objection. Foundation.  
21 THE WITNESS: I wouldn't dispute that.  
22 I don't know.  
23 (Snider Exhibit No. 20 was marked  
24 for identification.)

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1 BY MR. BOGLE:  
2 Q Okay. And I want to look at some of the  
3 documentation on the Belington location. I hand  
4 you Exhibit 20, also marked as Exhibit 1.1822.  
5 All right. We see here, we start with  
6 page .5. It's a threshold change form from  
7 August 20, 2009. Do you see that?  
8 A It's a Level I documentation, yes.  
9 Q Right. You say Level I documentation.  
10 I'm looking at the threshold change form. Are we  
11 looking at something different?  
12 A Oh, I'm sorry. Yeah, .5?  
13 Q Yes. Yes, sir.  
14 A I apologize, I was.  
15 Q That's all right.  
16 Okay. You see -- you see August 20,  
17 2009, there on that one, right?  
18 A Yes.  
19 Q Where it says "Belington Prescription in  
20 Belington, West Virginia."  
21 A Yes.  
22 Q Do you see that name?  
23 A Yep.  
24 Q And the current threshold noted here for

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1 them on hydrocodone is 12,000. Do you see that?  
2 A Increase amount 2,000 -- current  
3 threshold, 12, yes.  
4 Q Right. And they're asking for 2,000  
5 more, right?  
6 A Yes.  
7 Q Okay. And the reason for change noted  
8 here is: "Increase in business, stopped buying  
9 from competitor Bellico. All hydrocodone bought  
10 from McKesson."  
11 Do you see that as the reason noted?  
12 A I see that, yes.  
13 Q Okay. When customers tell you that  
14 they've stopped buying from one of your  
15 competitors, that's something you would ask for  
16 them to substantiate, right, to prove that?  
17 A That's something Michael would ask to  
18 substantiate that so he could get the data.  
19 Q And that -- that should be confirmed,  
20 right?  
21 MR. COLLINS: Objection. Form.  
22 THE WITNESS: I can't answer if he did  
23 or didn't.  
24 BY MR. BOGLE:

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1 Q I didn't ask you that. That should be  
2 confirmed, right?  
3 MR. COLLINS: Objection. Calls for a  
4 legal conclusion. Form. Foundation.  
5 THE WITNESS: I can't answer if he did  
6 or didn't.  
7 BY MR. BOGLE:  
8 Q Okay. Listen to my question.  
9 That should be confirmed, right? I  
10 didn't ask you whether he did confirm. I'm  
11 asking, that's something that should be confirmed  
12 when a customer tells you that?  
13 MR. COLLINS: Objection. Calls for a  
14 legal conclusion, form, foundation.  
15 THE WITNESS: I answered. I can't --  
16 I'm not sure if he did or didn't.  
17 BY MR. BOGLE:  
18 Q Right. But should he have, from your  
19 perspective?  
20 A I can't answer for him, sir.  
21 Q Okay. And this is noted as being  
22 approved by both yourself and Michael Oriente on  
23 August 20, 2009, right?  
24 MR. COLLINS: Objection to the term

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1 "approved."  
2 THE WITNESS: I signed the threshold  
3 change request to be put through.  
4 BY MR. BOGLE:  
5 Q Right. This says "Approved by," and  
6 there's your name and there's Michael Oriente's  
7 name, right?  
8 MR. COLLINS: Objection.  
9 Mischaracterization.  
10 THE WITNESS: I signed it to be sent to  
11 the Regulatory Affairs director.  
12 BY MR. BOGLE:  
13 Q And if you go to page .11.  
14 MR. BOGLE: .11 and .12, can we just  
15 pull those up side by side on the screen? Thanks.  
16 BY MR. BOGLE:  
17 Q Do you see this is a threshold change  
18 request for hydrocodone for Belington approved  
19 August 16, 2010? Do you see that?  
20 MR. COLLINS: Objection. Foundation.  
21 THE WITNESS: I didn't -- I don't know  
22 this document. I'm sorry. Can you go through it  
23 again?  
24 BY MR. BOGLE:

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1 Q Yeah. You see on page .12, "DC approval  
2 status: Approved Duane McPherson, August 16,  
3 2010." Right?  
4 MR. COLLINS: Objection. Foundation.  
5 THE WITNESS: Yes.  
6 BY MR. BOGLE:  
7 Q And "DRA approval status: Approved by  
8 Michael Oriente," three minutes later, "August 16,  
9 2010." Right?  
10 MR. COLLINS: Objection. Foundation.  
11 THE WITNESS: I already testified to how  
12 it works. I don't know what due diligence was  
13 done before or after the call.  
14 BY MR. BOGLE:  
15 Q Right. I'm just asking if that's --  
16 that's what is indicated here.  
17 A You said three minutes.  
18 Q Yeah, 10:59 to 11:02.  
19 A Correct.  
20 Q And then -- so going back to .11,  
21 they're requesting here an increase of 4,000 doses  
22 for hydrocodone, a permanent increase, right?  
23 A It looks like this form says it was  
24 increased.

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1 Q Right. That's what they were  
2 requesting, and that's what they got, right?  
3 A Well, I don't see the TCR with this, but  
4 I do see this form.  
5 Q Okay. And "Supporting Information"  
6 says: "Belington was recently sold to Best Care  
7 Pharmacy Group in May 2010. New scripts from this  
8 acquisition has caused a need for an increase in  
9 their hydrocodone threshold."  
10 Do you see that?  
11 A Yes.  
12 Q Okay. And again, business growth is the  
13 reason provided, right?  
14 A No, it was sold.  
15 Q Right. But the reason for TCR, it says:  
16 "Business growth should be supported by  
17 corresponding sales increase." Right?  
18 MR. COLLINS: Objection. Lack of  
19 foundation.  
20 THE WITNESS: Yeah, supporting  
21 correspondence above, yes.  
22 BY MR. BOGLE:  
23 Q Okay. And so, again, if there's an  
24 acquisition which has caused an increased need,

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1 that's again something that would need to be  
2 confirmed with documentation, right?  
3 MR. COLLINS: Objection. Calls for a  
4 legal conclusion.  
5 THE WITNESS: I don't know. It could  
6 have been done with a phone call or a check of the  
7 pharmacy license or a call to the State Board of  
8 Pharmacy.  
9 BY MR. BOGLE:  
10 Q But just the purchase itself doesn't  
11 mean they need more pills, right? You would need  
12 to show a business need documented beyond just the  
13 purchase itself, right?  
14 MR. COLLINS: Objection. Calls for a  
15 legal conclusion, foundation, form.  
16 THE WITNESS: I don't know what Michael  
17 did to show on that.  
18 BY MR. BOGLE:  
19 Q Okay. All right. So let's go to  
20 page .13 and .14.  
21 Do you see here this is another  
22 threshold change request for hydrocodone  
23 requesting a temporary increase of 9,000 doses?  
24 Do you see that?

<p style="text-align: right;">Page 294</p> <p>1 A Yes.</p> <p>2 Q This was approved by Joel Zwick and</p> <p>3 Michael Oriente, November 15, 2010, right?</p> <p>4 A Joel sent it to Michael.</p> <p>5 Q The note is approving on November 15 --</p> <p>6 A Oh, I'm sorry, I correct myself.</p> <p>7 Dale Nusser sent it to Michael.</p> <p>8 Q Right. .14 indicates that Joel Zwick</p> <p>9 and Michael Oriente both noted as approving this</p> <p>10 on November 15, 2010, right?</p> <p>11 MR. COLLINS: Objection. Lack of</p> <p>12 foundation, lack of firsthand knowledge.</p> <p>13 THE WITNESS: Joel sent it, yes. I</p> <p>14 believe. I don't know this form. But it shows</p> <p>15 that Joel sent it, and then above here, it says</p> <p>16 "Submitter name: Dale Nusser."</p> <p>17 BY MR. BOGLE:</p> <p>18 Q And it does show it was approved, right?</p> <p>19 MR. COLLINS: Objection. Form.</p> <p>20 THE WITNESS: The way I see it, I don't</p> <p>21 see a signature, but the -- the -- Michael</p> <p>22 Oriente's name is on the -- this document.</p> <p>23 BY MR. BOGLE:</p> <p>24 Q And it says "Approved," right?</p>	<p style="text-align: right;">Page 296</p> <p>1 Q Huh?</p> <p>2 A I didn't produce it. I don't know.</p> <p>3 Q I'm just asking you if you see the</p> <p>4 police report in this packet related to this</p> <p>5 pharmacy.</p> <p>6 MR. COLLINS: Objection. Argumentative.</p> <p>7 THE WITNESS: I don't see it in here.</p> <p>8 BY MR. BOGLE:</p> <p>9 Q Okay. Are you aware that ultimately one</p> <p>10 of the owners of Best Care was prosecuted for</p> <p>11 illegally diverting opioids?</p> <p>12 A I am aware that an owner of Best Care</p> <p>13 was prosecuted, and we cut them off.</p> <p>14 Q Well, you're aware that there was a --</p> <p>15 there was an arrest and a prosecution for one of</p> <p>16 the owners of Best Care for diversion of opioid</p> <p>17 products, right?</p> <p>18 MR. COLLINS: Objection. Foundation.</p> <p>19 THE WITNESS: I was aware that he was</p> <p>20 arrested. That's all.</p> <p>21 (Snider Exhibit No. 21 was marked</p> <p>22 for identification.)</p> <p>23 BY MR. BOGLE:</p> <p>24 Q Okay. Let me hand you 1.1251,</p>
<p style="text-align: right;">Page 295</p> <p>1 MR. COLLINS: Objection. Form.</p> <p>2 BY MR. BOGLE:</p> <p>3 Q On .14.</p> <p>4 MR. COLLINS: Objection. Form.</p> <p>5 THE WITNESS: "DRA approval status:</p> <p>6 Approved."</p> <p>7 BY MR. BOGLE:</p> <p>8 Q Yep. And for "Supporting Information"</p> <p>9 on this one, it says: "The customer was robbed on</p> <p>10 Sunday. All hydrocodone products were stolen</p> <p>11 except for two bottles of Vicodin 5/500. Customer</p> <p>12 to send a copy of police report when received."</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Do you see a copy of the police report</p> <p>16 here in this file?</p> <p>17 MR. COLLINS: Objection. Foundation.</p> <p>18 THE WITNESS: I don't know that that's</p> <p>19 in here. I don't see it in what you gave me.</p> <p>20 BY MR. BOGLE:</p> <p>21 Q Okay. This is the document as produced.</p> <p>22 I'm giving you what was produced to us.</p> <p>23 Do you see it in this?</p> <p>24 A I didn't produce it.</p>	<p style="text-align: right;">Page 297</p> <p>1 Exhibit 21.</p> <p>2 This is a news release from the U.S.</p> <p>3 Department of Justice, June 3rd, 2014, titled</p> <p>4 "Pharmacist charged with illegal distribution of</p> <p>5 painkillers."</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q Have you ever seen this press release</p> <p>9 related to Best Care?</p> <p>10 A No, I haven't.</p> <p>11 Q Okay. How did you become aware of the</p> <p>12 arrest then?</p> <p>13 A I don't remember. Probably the DRA.</p> <p>14 Q Okay. And if you look in the press</p> <p>15 release, it says: "A West Virginia pharmacist has</p> <p>16 been indicted on charges that he dispensed</p> <p>17 prescription painkillers outside the scope of his</p> <p>18 professional practice."</p> <p>19 And then it says: "United States</p> <p>20 Attorney William Ihlenfeld, II, announced that</p> <p>21 Mario Blount, 51, of Bridgeport, West Virginia,</p> <p>22 was arrested this morning on charges of conspiracy</p> <p>23 to possess and distribute Schedule II controlled</p> <p>24 substances, distribution of oxycodone and a</p>